This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

172358

ASPERNE'S EDITION.

A COMPENDIOUS
REPORT of the TRIAL
OF
HENRY
Lord Viscount Melville.

LONDON:
PRINTED FOR JAMES ASPERNE,
AT THE

No. 32, CORNHILL;
And Sold by all the Booksellers in the United Kingdom.
1806.

Price Three Shillings and Sixpence.

Francis Donlevy
No 204

COMPENDIOUS REPORT

OF

THE TRIAL

OF

HENRY VISCOUNT MELVILLE,

UPON THE

IMPEACHMENT

OF

THE COMMONS

OF THE

UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,

IN PARLIAMENT ASSEMBLED,

FOR

High Crimes and Misdemeanors.

London:

PRINTED FOR J. ASPERNE,

AT THE BIBLE, CROWN, AND CONSTITUTION, 32, CORNHILL,

AND SOLD BY ALL THE BOOKSELLERS IN THE UNITED KINGDOM.

1806.

Price 3s. 6d.

THE NEW YORK
PUBLIC LIBRARY
172358
ASTOR, LENOX AND
TILDEN FOUNDATIONS.
1901

PRINTED BY J. GOLD, SHOE-LANE.

ADVERTISEMENT.

THE Trial of Lord Melville having occupied the space of fifteen days, a minute detail of every thing which passed would fill a volume of considerable size. The following sheets will be found to contain a concise but faithful report of all the material parts of this solemn and dignified proceeding. Various questions, upon the admissibility of evidence, were agitated in the course of the Trial, but the arguments upon those points are wholly omitted, as they would be uninteresting to the general reader. The object of this work is to give such a report of the Trial as would not be too expensive for the generality of readers to obtain; but, however it may have been compressed with that view, the public may rest assured it contains every argument and every fact, which is necessary to give them a thorough knowledge of the whole case.

[illegible]

A

COMPENDIOUS REPORT,

&c.

This interesting Trial commenced on the 29th April, 1806.

THE ARTICLES OF IMPEACHMENT

WERE IN SUBSTANCE AS FOLLOW:

THE PREAMBLE stated the Letters Patent, dated the 19th day of August, 1782, appointing Lord Melville Treasurer of the Navy, and the King's Warrant, dated the 23d October, 1782, granting to him a salary of 4000*l.* per annum, in full satisfaction of all wages and fees, and other profits and emoluments theretofore enjoyed by former Treasurers of the Navy. That Lord Melville continued Treasurer from the 19th August, 1782, till the 10th of April 1783; and was again appointed on the 5th January, 1784, by Letters' Patent of that date—that he received a similar Salary Warrant, dated the 18th January, 1786; and that his Lordship continued in office under this second appointment till the 31st May, 1800.

The Preamble also stated certain resolutions of the House of Commons, and reports of the Commissioners of Accounts in 1782; and set forth some of the clauses of the act passed in June 1785, for the better regulating the office of Treasurer of the Navy.

It also stated, that on the 10th January, 1786, Lord Melville appointed Alexander Trotter, Esq. his Paymaster; and by power of attorney authorized him

to draw upon the Bank of England, upon the account of Lord Melville as Treasurer, for all such sums as should be wanted for the public service; the said Alexander Trotter being particularly careful to specify in each and every draft the service for which the same should be drawn.

The Preamble then concluded with averring, that Lord Melville had acted fraudulently, corruptly, and illegally, in the several instances following:

ARTICLE I. Charged that Lord Melville, whilst Treasurer of the Navy, and previous to 10th January, 1786, took and received from the money imprested to him as Treasurer 10,000*l.* or some other large sum or sums, and fraudulently and illegally converted and applied the same to his own use, or to some other corrupt and illegal purposes, and to other purposes than Navy Services.

And that he continued such fraudulent and illegal conversion and application after passing of the said act for better regulating the office of Treasurer of the Navy. And that the said Lord Melville declared in the House of Commons on the 11th day of June, 1805, that he never would reveal the application of the said sum; and added, that he felt himself bound by motives of public duty, as well as private honour and personal convenience to conceal the same.

All which is averred to be contrary to his duty, a breach of the trust reposed in him, and a violation of the laws and statutes of the realm.

ARTICLE II. Charged that Lord Melville in breach and violation of the said act of parliament for better regulating his office, connived at, permitted, and suffered Mr. Trotter, illegally, to draw from the Bank of England for other purposes than for immediate application to Navy Services large sums of money out of the money issued on account of the Treasurer of the Navy; and connived at and permitted him to place the same in the hands of Messrs. Coutts and Co. the private bankers of the

said Alexander Trotter, in his own name, and subject to his sole controul and disposition.

Which is averred to be contrary to law—a breach of the high trust reposed in him, and a violation of the laws and statutes of the realm.

ARTICLE III. After stating that Mr. Trotter, by virtue of the authority given to him, drew large sums of money from the Bank of England, charged that the said Alexander Trotter did, with the privity, by the connivance, and with the permission of Lord Melville, apply and use such money, or great part thereof, for purposes of private advantage, or interest, profit, and emolument; and did place the same, or great part thereof, in the hands of Messrs. Thomas Coutts and Co. mixed with and undistinguished from the proper monies of the said Alexander Trotter; whereby the said sums of money were not only used for private emolument, but exposed to risk, and withdrawn from the controul of the Treasurer of the Navy.

ARTICLE IV. Charged that Mr. Trotter, with the privity, or by the connivance and permission of Lord Melville, placed sums issued from the Exchequer on account of the Treasurer, and drawn from the Bank of England, in the hands of Mark Sprot and other persons, and applied and used the same for purposes of private advantage or interest, profit or emolument, and for other than Navy services.

ARTICLE V. Charged that Lord Melville did, after the 10th January, 1786, fraudulently and illegally, for the purpose of advantage or interest to himself, or for acquiring profit or emolument therefrom, or for some other corrupt and illegal purposes, and for purposes other than Navy Services, take and receive from the public money placed in his name at the Bank of England as Treasurer of the Navy, the sum of 10,000*l.* and did fraudulently and illegally,

convert and apply the same to his own use or to some other corrupt and illegal purposes.

ARTICLE VI. Charged that Lord Melville did procure and receive from the said Alexander Trotter advances of several large sums of money, which were made to him in part from money so illegally drawn from the Bank, and in part from sums so placed by the said Alexander Trotter in the hands of Messrs. Coutts and Co. when mixed with and undistinguished from the proper monies of the said Alexander Trotter. And that the said Alexander Trotter kept an account currant with Lord Melville, entered in certain books, and the books and all vouchers, memorandums and writings, in the possession of the said Alexander Trotter and Lord Melville, relative thereto, were burnt and destroyed by them, in pursuance of a clause contained in the release between them, with a view to prevent the discovery of the said several advances of money.

ARTICLE VII. Charged that Lord Melville received from the said Alexander Trotter, amongst other advances of money, the sum of 22,000*l.* part advanced exclusively from public money, and other part from the said mixed fund at Coutts and Co's.

ARTICLE VIII. Charged that amongst other advances of money, Lord Melville received from Mr. Trotter the sum of 22,000*l.* for which it had been alledged by Lord Melville, he was to pay interest.

ARTICLE IX. Charged that during all or the greater part of the time that Lord Melville was Treasurer, the said Alexander Trotter did gratuitously and without salary act as Lord Melville's Agent, and was from time to time in advance for him in that respect to the amount of from 10,000 to 20,000*l.* And that the said Alexander Trotter did so gratuitously transact the private business of the said Lord Melville, and make him the said ad-

vances of money in consideration of the said Lord Melville conniving at the said Alexander Trotter so applying and using the public money for purposes of private emolument.

ARTICLE X. Charged that Lord Melville, on divers days and times between the 19th August, 1782, and the 5th January, 1784, and also on divers days between the 5th January, 1784, and the 1st January, 1786, receive from the monies imprested to him as Treasurer or Ex-Treasurer of the Navy, divers sums amounting to 27,000*l.* and did fraudulently and illegally convert and apply the same to his own use, or to some other corrupt and illegal purposes, and to other purposes than Navy Services, and did continue the said fraudulent and illegal conversion and application after the passing of the act for better regulating the office of Treasurer of the Navy.

To these articles Lord Melville pleaded NOT GUILTY; and the Commons replied, averring that he WAS GUILTY.

The articles, answers, and replication, having been read, Mr. Whitbread (one of the Managers for the commons) rose and spoke as follows:

My Lords, I am commanded to open to your Lordships, at once, all the charges exhibited against Henry Lord Viscount Melville. This course is adopted, as much because the matters of charge are of themselves difficult of separation, as because those, to whom the management of this cause has been entrusted, have determined that upon them shall rest no imputation of delay.

My Lords, I fear it will be necessary for me to enter into a long and fatiguing detail of perplexed accounts, and to give a narrative of dry facts, which are susceptible of no embellishment.

I trust, my Lords, in the course of this prosecution, that, whatever ardour I may feel to bring to an issue the most honourable to the Commons of Great Britain,

that charge which they have exhibited against the Defendant, I shall not be betrayed into any intemperance of expression whatever towards the Defendant. My Lords, truth delights in the language of temperance, and she makes her most forcible appeal in the accents of moderation; and I may be believed when I say, my Lords, that I am as anxious to avoid the infliction of unnecessary wounds upon the Defendant himself (and much more upon those who are most near and dear to him) as I am anxious to obtain a legal conviction of that which I know to be moral guilt.

But, my Lords, neither will I sin in the opposite extreme, nor be betrayed by the affectation of candour into a dereliction of duty. My Lords, I will speak for that I love—I will speak for justice. If the party accused have done so as we charge, his fault is double, for he came in upon reformation, having discovered the abuses of others; and this I would say unto you, if I were to die this hour—faults by mistake, God forbid that you should be harsh in censuring; but errors that are wilful, spare them not.

My Lords, the office of Treasurer of the Navy was founded in the beginning of the century before the last; a certain stipend was allowed to the person who executed that office; and although it was never legal so to do, yet down to a certain period it was irreproachable to those who exercised that office, to make use of the public money which passed through their hands.

My Lords, at the close of the American war, when the expences of the country had risen to a very considerable height, when it was necessary to begin plans of economy and reform, and when there existed in the House of Commons of that day, spirits who were determined to inquire into the true situation of the country; a commission of accounts was instituted by act of parliament, to ascertain what had been the mode of the expenditure of public money, what balances it was right to call for, and what enactments it was right to make in future for the due execution of this office. These commissioners, one of whom is in

the box, a fellow manager of mine, executed the trust reposed in them with diligence and ability, and they made a variety of reports; among others, a special report in the office of Treasurer of his Majesty's Navy. They stated the balances that had been in the hands of the Ex-Treasurers, and advised that regulations should be made in future, to prevent such accumulation of balances; that no temptation should ever be held out to any future treasurer to do that which they complained former treasurers had done.

Mr. Whitbread then stated certain resolutions of the House of Commons, and the measures which were taken by the King to increase the salary of Mr. Barré (who was Treasurer of the Navy in 1782) to 4000*l.* a year, in lieu of all emoluments theretofore enjoyed by former Treasurers of the Navy.

He then stated, that when Mr. Barré quitted the office of Treasurer of the Navy, the noble defendant succeeded him; and that he was bound by his Majesty's warrant, granting the salary of 4000*l.* per annum, to make no use of the public money to his interest or advantage. My Lords, (continued he,) the defendant, at the time he came into that office, appointed Mr. Douglas to be his paymaster; a gentleman who had exercised the office of paymaster under several Treasurers of the Navy; I believe for a succession of almost eighteen years, with a slight interruption during the time that Mr. Barré exercised that office. My Lords, we charge, in the *first article* of impeachment, that the noble defendant, during the time Mr. Douglas was his paymaster, and previous to an act of parliament, to which I shall soon have occasion to call the attention of your lordships, did, in breach of his duty, possess himself of a certain sum of money. My Lords, I beg your lordships to consider at this period the situation in which the Commons have stood with regard to the articles that they have exhibited to your lordships. At the time they were exhibited, the committee were not in possession of a great part of the evidence which I shall now have the honour to open to your lordships. We drew the charges as it were in the dark, but framed them in

such a manner as that the evidence, whatever it might be, might apply to some of the articles, or rather some parts of the charge, which we have adduced against the noble Lord. And I also beg your lordships to consider, that the lapse of time, from the date of the crime which we charge upon the defendant in the first article, is no less than *twenty four* years; that many of the persons who acted in these transactions have been long since asleep in their graves; that much of the written evidence which we ought to have been able to collect has been purposely destroyed, and put out of the way; that much has been accidentally lost; and that we are now driven to living witnesses, who were actors in these transactions, in order to establish before your lordships the guilt of the person whom we accuse. But our difficulties are surmounted, I trust; and we shall be able to lead your lordships by a circuitous path; by small steps perhaps at first, but afterwards, as I have the satisfaction to say, by a more plain and open road, to an eminence, from whence you shall survey all the transactions of the defendant, during the course of the last eighteen years. And, notwithstanding all the difficulties we have met with, the result shall be such as to establish an irresistible conviction in the minds of your lordships. My Lords, if we have conquered our difficulties, we cannot however conquer our feelings, and it is a most painful task, which I am now about to undertake; for, my Lords, your lordships perhaps may know, (if not, we know, and we are to prove), that at a certain time in the course of the last spring, the defendant did, in a moment of forgetfulness, write a letter addressed to the Commissioners of Naval Enquiry, which was, by motion, laid upon the table of the House of Commons; and which does in substance contain a denial, that, during the paymastership of Mr. Douglas, he made either interest or advantage of the public money.

The noble Lord is a man of education and sense; is elevated by the favour of his Majesty, and in consequence of services which his Majesty has been pleased to acknowledge, to a situation in which he

passes sentence, in this house, as a judge, upon life and death, upon his honour, in cases of felony and treason. And yet, my Lords, that noble Lord said, that he never did that, which we undertake to prove that he did; and he has said, and subscribed his name to that assertion, that he was ready to take the solemn sanction of an oath to that effect.

My Lords, I charge that the noble Lord not only took this money, but that he used it for his own advantage, and part of it for his own interest. Your lordships know, that I am now adverting to the *first* charge, which is, that Lord Melville had possession of a certain sum of 10,000*l.* Now I refer your lordships to the *tenth* article, for it is necessary that we should take those two articles together; the 10,000*l.* as your lordships will find hereafter, being involved in the 27,000*l.* which is charged in the tenth article, as I shall have the honour to explain to your lordships presently.

First of all though upon the tenth article itself; how are the Commons prepared to prove that article? And what is the evidence that is to be adduced to you upon this occasion? Why, my Lords, no less than a confession, which I heard made by the defendant himself in the House of Commons. He avowed that he had taken 10,000*l.* of the public money; he asserted that he had not used it to purposes of private profit or advantage, but he told the House of Commons this remarkable fact, that he was determined he never would reveal, to any human being, what the application of that 10,000*l.* was. That expression the defendant uttered in the face of the House of Commons; and which, perhaps, may now be to be repeated, in the face of your lordships and his country. That I say was an impeachable offence. He, nor any man breathing, had a right to set himself above the law. There is no law which could authorise the payment of that money. He tells you he did it illegally; he tells you he did it for your benefit, and yet he will not tell you, to whom or for what service he paid the money.

My Lords, we not only charge that the noble Lord

was possessed of the sum of 10,000*l.*, but we charge also, that he continued in possession of it, after a new æra had taken place in the Navy Pay Office, contrary, as it would then be, to the act of parliament; and we know, not only that he confessed it in the House of Commons, (which I heard,) but that he confessed it to a person, whom I must now name for the first time to your lordships, Mr. Alexander Trotter, and whom hereafter I shall have occasion frequently to name. Soon after Mr. Trotter was appointed Paymaster of the Navy, Lord Melville confessed to him, that he was at that time in possession of this sum.

On the 19th August 1782, Lord Melville (then Mr. Dundas) was, for the first time, appointed Treasurer of the Navy. On the 20th August the sum of 1000*l.* was paid by Mr. Douglas into a banking house with which the noble lord has an account on behalf of Mr. Dundas.

Now, my Lords, who was Mr. Douglas? for it is necessary we should shew explicitly, by proof, who he was. We shall shew he was paymaster, appointed under proper authority by Mr. Dundas; and that every act he did at the time, and afterwards, as Paymaster of the Navy, had the sanction of the defendant himself; and that he, in a peculiar manner, shewed his private confidence in him, distinct from the public confidence he gave him by his letter of attorney. I do not believe that the 1000*l.*, so paid, was any part of the public money, but that upon the first establishment of the connection of the two men, a payment of 1000*l.* was made perfectly legal and perfectly proper. Early, however, in November a payment of a different description was made into the banking house of Messrs. Drummonds, on behalf of the defendant. It is necessary I should state to your lordships, that in the then mode of conducting the office of Treasurer of the Navy, the Paymaster of the Navy was in the habit (after the memorials had been issued upon which the warrants of money were granted from the Exchequer) of going to the Exchequer, together with a bank clerk, and, having presented his warrant, the sum of money ordered to be paid to the Treasurer of the

Navy, was delivered to him in such way as he chose to take it: for instance, he might have it all written into his bank book if he pleased, and carried to the account of the Treasurer of the Navy; or that he might put some in the bank book, and take some away in bank notes or cash, and place it where he thought fit.

It so happened that, on the 6th of November 1782, Mr. Douglas had a payment to receive at the Exchequer, to the amount, I think, of 45,000*l.* Mr. Douglas chose to have 40,000*l.* written into his bank book, and to take 5000*l.* away in bank notes. Now this is a transaction that has often taken place before. Former Paymasters of the Navy, and Mr. Douglas among others, in the execution of that office under other Treasurers of the Navy, have frequently acted in that manner; they have frequently taken sums of money in bank notes, and had the balance written into their book: but as far as we have been able to trace all the sums so subtracted from the aggregate balance impressed to the Treasurer of the Navy, were uniformly sums of 3000*l.*, which were set apart to pay exchequer fees. This 5000*l.* that Mr. Douglas so took from the Exchequer, and put into his pocket, was never carried into any public account whatever; it was carried to a place, according to the statement made by Mr. Douglas, which also was a place of safe custody, one in which he had a right to deposit it; it was carried to what is called the iron chest of the office.

Mr. Whitbread then stated some particulars of the account Mr. Douglas kept of the money then deposited in the iron chest; but as no evidence was given of them, it is not thought necessary to enter further into the subject. He then stated, that of the 5000*l.* received by Mr. Douglas at the Exchequer, one note for 1000*l.* was some time afterwards paid to Lord Melville's account at Messrs. Drummonds. And that another note for 1000*l.* received by Mr. Douglas at the Exchequer in the same way, at a subesequent period, was a fortnigh afterwards paid in discharge of a private debt of Lord Melville's.

Mr. Whitbread then continued, I have heard the

noble defendant say, that, at the time he held the office of Treasurer of the Navy he was in a vast variety of confidential situations of government, which made it necessary for him to disburse money so secretly, so privately, with so much care, and caution, and circumspection, that he would not tell even his colleagues what he had done with it. Now an individual so unauthorised whilst Treasurer of the Navy, takes this 10,000*l.* into his own pocket, and then boldly tells you he was the servant of the public; that he took it for the service of the public; to which public he will never reveal it. To whom, after having so possessed himself of it, did he pay this 10,000*l.*? What became of it?

Mr. Whitbread then entered into some details of the accounts of Messrs. Mures and Atkinson, with a view of shewing that the 10,000*l.* was deposited in their hands; but these statements were not given in evidence.

He then adverted to certain payments made to the credit of Lord Melville's account at the Bank, by Mr. Atkinson and Grey in the year 1783.

And he detailed the particulars of various receipts and payments, to shew that the difference between the accounts at the Bank and the official books of the Treasurer of the Navy in December 1785, was 10,000*l.*

But, my Lords, (continued the honourable manager,) how did the defendant act when Mr. Douglas died, and when this deficiency of 10,000*l.* was known both to him and those who succeeded Mr. Douglas? Upon that deficiency being stated to the defendant, the defendant said that deficiency is mine; so much I owe to the public. If then he acknowledged the closing termination of this account, which was so composed as I have stated to your lordships, I say he acknowledged the whole of it, and that it is impossible he can shew to your lordships he made any public use of this money. If it were possible, he is impeachable for not revealing the use of it; but there is no ground whatever for such a defence.

Now, my Lords, if that be the condition of Lord

Melville, the evidence of Mr. Trotter, and the evidence of those who heard him make that extraordinary, that unjustifiable, that impeachable assertion in the House of Commons, with regard to his determination to keep the affairs of the public from the public themselves, shall prove what I have stated, I think we shall have completely proved the *first* and the *tenth* articles of this charge.

My Lords, we now come to the second division, in point of time, of the charges exhibited against Lord Melville; I mean that which took place after Mr. Trotter was appointed Paymaster of the Navy. And here I must take your lordships back, for the sake of perspicuity, to that new æra which had been created in the Navy Pay Office by the passing of an act of parliament, which obtained the royal assent, I believe, in the month of June 1785, "for the better Regulation of the Office of the Treasurer of his Majesty's Navy."

My Lords, when I am speaking of the defendant, and of those persons connected with him, upon whom it is my duty severely, but I trust not intemperately, to animadvert, I wish to say every thing that can go to the illustration of their good deeds in the office which they executed; the one as superior, and the other as subordinate. And so far from imputing any blame to them, for that which does not deserve blame, I wish to give them all the credit and all the praise which is their due, during the time they continued so connected together in that office; and therefore it is with satisfaction, I say, that during the time Mr. Dundas was Treasurer of the Navy, several most beneficial regulations took place in that office, which he has the merit of having produced to the public. That several acts of parliament were passed for the protection and defence of the unprotected and defenceless. I mean the widows and orphans of the brave seamen; and for the allotment of wages to the wives and families of those who were fighting the battles of this country. Above all that, several regulations took place, and were enacted into laws, through the instrumentality of the defendant, which saved a number

of lives from public execution; because, my Lords, the act of parliament, to which I now particularly allude, renders almost impossible the crime heretofore so common, the forgery of seamen's wills and other instruments to obtain their pay. These checks were devised and carried into effect by the Noble Lord. For these and other acts of regulation in the Navy Pay Office, the Noble Lord demands the thanks of his country, and the unbounded gratitude of that meritorious class of men, the seamen of our fleets. I believe, too, that Mr. Trottor was extremely useful in suggesting hints for these several designs, and that he gave Lord Melville material assistance in the detail of all these different plans.

My Lords, Mr. Trotter is a person who will be most frequently mentioned hereafter; his name has been much in the public mouth, greatly to the discomfort and dissatisfaction, undoubtedly, of those who are nearly connected with him; and as I shall have occasion to speak of those misdeeds of his, in the way in which my duty will require me to do, I think it right here to state, that he is a person, who in early life ever conducted himself with the greatest possible propriety; that, except in these transactions in the Navy Pay Office, I know nothing, and I believe no man knows any thing to his disadvantage. He was employed by the treasurer who succeeded Lord Melville; and up to the very moment of the Resolutions of the House of Commons, he continued in the employ of the last treasurer. I have heard the defendant honourably, generously, and manfully declare that Mr. Trotter, notwithstanding the cloud which hung over him, was a meritorious man, and one who ought to be trusted. My Lords, I do not know a person more beloved by his immediate relations, and those connected with him, than Mr. Trotter; and this is one of the strongest testimonies in favour of any man.

My Lords, Mr. Trotter is a person who is to give you most material information, upon the subject of the transactions of the defendant; whose transactions are so intimately connected with his own. In conse-

quence of that general impression, your lordships concurred, with the other branch of the legislature, in indemnifying Mr. Trotter from all criminal prosecution for his own misdeeds, that he might be rendered a witness, able to speak the truth upon this trial. And it is a very fortunate circumstance for Mr. Trotter, who is the only man capable of revealing these transactions, that every thing he will say to your lordships will be confirmed by irrefragable testimony, because it will be confirmed by documents, which now exist; and in every one of the statements I have heard him make he is borne out by some corroborating witness of veracity, or some book which cannot impose upon you. These are circumstances most fortunate for justice; fortunate for the prosecution; fortunate for the country; and most fortunate for Mr. Trotter himself.

My Lords, an act of parliament passed in 1785 for better regulating the office of Treasurer of his Majesty's Navy. We should have simply put in this act, and read it, and stated to your lordships the conduct of the defendant, without making a single comment apon the act itself; but, my Lords, to my utter astonishment, I heard the noble defendant say, and my ears still tingle with the sound, that he was yet to learn in what particular he had violated the spirit, or the letter of that act of parliament. Good God! my Lords, is not that act plain? If that act of parliament is not plain; if he who runs cannot read that act, you may as well burn and consume all your statute books; there is not one that will not admit of a double interpretation or a quibble. Magna Charta itself may be misconstrued; the Habeas Corpus Act, the Act of Succession to the Crown of this country, the Bill of Rights, might admit of a double interpretation: nay, my Lords, I had almost said, that Law, which was delivered in all the magnificence of Heaven, written on tables of stone, "Thou shalt not steal," might almost be explained away by counsel. I say this act is plain.

My Lords, read the statute and see what it says. Is there any double interpretation to be put upon it?

Can the learned counsel torture it? Simple and unlearned as I am; I throw down the gauntlet and defy them; they can put but one interpretation upon this statute, which is, that Lord Melville, from the time of the passing of that act, was bound to place the public money at the bank, and no where else; that he could not withdraw it from the bank for one moment, except for naval services, without having broken, not only the spirit, but the letter of his own act of parliament. My Lords, what did he do? He suffered, he will tell you, and he told the House of Commons (I heard him say it), he suffered his paymaster to do so. In that which he did by his paymaster he did himself; he was bound to see that he employed no servant who did not act according to his public duty.

Mr. Whitbread then entered into an argument upon the construction of some parts of the act, but as all questions upon it are now disposed of by the unanimous opinions of the judges,* it is not thought necessary to state particularly the points Mr. Whitbread relied on.

It is necessary, (continued the honourable Manager) to state to your lordships that there are three branches in the payment of the navy services: the pay branch; the victualling branch: and the navy branch. It so happens that upon the navy and victualling branches assignments are always made by the respective boards for every farthing to be paid out to the individuals, who furnish materials for the navy, and soforth. Upon the head of pay, assignments are made in part, but not upon the whole of it.

My Lords, the assignments having been so made, it is the duty of the treasurer, under the form prescribed by the act, to draw the money from the treasury, which money is there paid into the bank, and the treasurer is directed not to take it out, either by himself or by any other person, unless he has a navy service to which it is applicable.

My Lords, I also heard the defendant, to my astonishment, say, that there was a difference between the assigned and unassigned balances, as if he had, after

* See page 1.

the passing the act of parliament, the perfect controul over such assigned balances as were unclaimed. Good God! my lords, if there is an assigned unclaimed balance, to the amount of 100,000*l.* which the treasurer or his paymaster, by his experience, knows will not be called for to its full extent, is it not the most preposterous thing in the world to say, I will give you a draft in the proper form, I will take the whole 100,000*l.* though I know only 20,000*l.* is wanted for the public service, and I will put the other 80,000*l.* in my pocket for purposes of my own, till people come with their bills? Your lordships will, perhaps, be surprised to hear, that the unclaimed assignments ordinarily amount to the sum of 140,000*l.*, so that the noble lord was giving to his paymaster (reckoning that a sum at 5 per cent.) 7000*l.* a year for the execution of an office for which the public allow only 500*l.* But I say there is no difference between assigned and unassigned money; they are both equally the property of the country till claimed.

I presume your lordships would not say that a man draws out money for a navy service, if he draws out 8000*l.* to purchase India stock, in the name of Henry Dundas. I do not suppose that if a person draws out a million of money, and puts it into the hands of his private banker, when the assignments do not amount to above a fifth part of that sum, your lordships would say that was for navy service; and yet such things have occurred.

The honourable Manager then argued that the act to indemnify the persons engaged in the advance of 40,000*l.* to Boyd, Benfield, and Co. was a legislative declaration that the transaction was illegal.

My Lords, (continued he) the defendant in an examination taken upon oath before the Commissioners of Naval Enquiry, confesses (and takes some credit to himself for so doing) that circumstances induced him to give permission to his paymaster to draw the money from the bank. The question put by the commissioners was "Did you authorize the paymaster in or about the year 1786 to draw the money applicable to naval services from the bank, and lodge it in

the hands of a private banker?" The answer of Lord Melville is "I cannot precisely state the time, but I am certain that I did permit Mr. Trotter to lodge any money, drawn from the bank for public services, in his private banker's hands, during the period it was not demanded to the purposes for which it was drawn."

Now, my Lords, Mr. Trotter took large sums of money from the bank, and lodged them in the hands of private bankers, assigned or unassigned was matter of no consideration with him. Navy, pay, or victualling, he took equally under each of those heads. He equally paid them into Mr. Coutts's, and drew them out of Mr. Coutts's, without the least regard to naval service at all. We can shew your lordships every month, from the beginning of these transactions down to the month in which he quitted the navy pay office, to what amount he did these things. He began with 10,000*l.* then went on to 20,000*l.*; then in 1795 to 101,000*l.*; and at last it comes to so large a sum as 490,000*l.*; and, at the time that Lord Melville went out of office, the last balance that was struck amounted to 290,000*l.* Did Lord Melville make any enquiry what he was doing with this? No, it never struck him once that it was an improper thing in itself to be done; and yet it was a matter of great importance that he should know what Mr. Trotter was about, because, not only his own character, but his own fortune was at stake. My Lords, we charge, and shall prove, that the money was exposed to great risk of loss, by being not at Messrs. Coutts's but at Mr. Trotter's own disposal; for though it was nominally at Messrs. Coutts's, for the purpose of carrying on the business of the office, yet I shall shew it was every where almost but at Messrs. Coutts's; and I can shew instances where great loss was risked. We charge, that not only there was a great risk of loss, but that the money was withdrawn from the controul of the Treasurer of the Navy. Whilst the money was in the Bank of England it was always under his controul; the revocation of his power of attorney put it under his controul immediately. If Mr. Trotter died,

or absconded, or failed, all the money in the Bank of England, or in the names of the sub-accountants, vested immediately in the Treasurer of the Navy. But when Mr. Trotter had put it into the hands of his private bankers, it was under his own controul and that of nobody else. They could not possibly answer any draft for this money but that of Mr. Trotter. He might have carried this money where he pleased. Lord Melville could not have prevented his doing so, and therefore by giving this unlimited confidence to Mr. Trotter, and by allowing him to do so, he exposed the public money.

My Lords, the public money was still farther exposed; for that trust, which Lord Melville delegated to Mr. Trotter, Mr. Trotter delegated to others, who drew by blank drafts filled up for the money.

Mr. Whitbread then entered into an argument, to shew that no convenience to the business of the office resulted from the money being drawn from the bank and deposited at Messrs. Coutts's.

Your Lordships (continued he) will probably suppose that great balances were in the hands of Messrs. Coutts, to answer all these demands from the Treasurer of the Navy. No such thing; for you will find, on comparison, that when 490,000*l.* were out, he had but 16,000*l.* at Messrs. Coutts's; and that at many times when the balances were very large in his hands, he had very small sums at Messrs. Coutts's; and at other times that his account was over-drawn; therefore it could be for no other purpose but to obtain private profit and emolument, and there we unquestionably prove the *second*, *third*, and *fourth* articles together, namely, that he did this for the purpose of private emolument. And Lord Melville has indeed admitted to the Commissioners of Naval Enquiry that he suffered Mr. Trotter to do this for the purpose of private emolument.

Now, my Lords, we come to the last division of this accusation against the noble lord; we come to charge upon Lord Melville, that he did directly participa e in the profits made by Mr. Trotter; we here specify the mode, and we shall prove the items of those ac-

counts in which Lord Melville did so participate in that profit.

There comes in the front of these articles a second sum of 10,000*l.* which the *fifth* article charges Lord Melville took for his own use.

That he took this sum he confessed in the face of the whole House of Commons. Let him shew to your lordships, if he can, for what purpose this was applied, and, if he cannot shew it to your lordships, I say, for his very concealment of it, you must convict him; even supposing he applied it to no private purpose. If he conceals the public purpose for which he applied it, he is an unfaithful and untrue servant of the public, of whom an example ought to be made.

Mr. Whitbread then stated that various accounts had existed between Lord Melville and Mr. Trotter, and relied upon the release which had been executed, as affording evidence that those accounts had been destroyed to conceal their criminal contents. He then proceeded—

There are three distinct modes, in which we charge Lord Melville to have participated in the public money. He participated first by a transaction on which no interest was charged from Mr. Trotter to him. He participated secondly, in a transaction in which interest was charged by Mr. Trotter to him. He participated in a third transaction where no interest was charged by Mr. Trotter to him: they stand in the articles in that order, but, for the purpose of explaining the transactions to your Lordships more perspicuously, I beg to alter, but not to invert the order of them; and to take the middle charge first and then the other two together.

By the *eighth* article it is charged that Lord Melville obtained and received of Mr. Trotter a sum of 22,000*l.*, or some other large sum of money advanced to him by Mr. Trotter, and for which it has been alledged by Lord Melville that he was to pay interest. And we further charge a destruction of papers to conceal this account also.

Mr. Whitbread then stated the circumstance of the

purchase of 13,500*l.* East India stock, the particulars of which are detailed in Mr. Trotter's evidence. And he insisted that from the circumstances Lord Melville must have known the loan was a loan of public money.

He then stated that Mr. Trotter kept two accounts with Lord Melville, the one entitled the Account Current, consisting of receipts and payments of a private nature; and the other entitled the Chest Account, consisting of advances made to Lord Melville out of the public money.

He then proceeded—Your Lordships recollect that in the year 1797 a loan was obtained from the public by the subscription of a vast number of eminent individuals, as well as respectable private persons, and respectable merchants, called the Loyalty Loan, to which I heard Lord Melville say, it was generally understood that all persons in high situations of government would subscribe, and he put down his name for 10,000*l.* This 10,000*l.* he candidly acknowledged was not in his possession, he therefore was to obtain it from friends. Some persons have suspected these payments were made from Scotland, but not a shilling of them came from that quarter: every payment was made by Mr. Trotter, out of the public money.

Mr. Trotter first of all carried this 10,000*l.* to the account-current, and afterwards transferred it to the chest-account. He contended that Lord Melville knew the chest-account contained advances of public money, and that he authorized this transfer.

Mr. Whitbread then stated the circumstances from Trotter to be such that the advances he made to Lord Melville could not be made out of his private fortune. That in 1787 he advanced to Lord Melville, on bond the sum of 4,000*l.*, for which it appeared no interest was paid, and therefore the advance must have been known by Lord Melville to have been out of public money. He stated that Mr. Trotter was in the constant receipt of his lordship's salary, which was originally kept in a separate account; that there was another separate account kept for the Melville Castle, but it being afterwards found inconvenient to

keep so many accounts, they all resolved themselves into two, viz. the Account Current and the Chest Account

Mr. Whitbread proceeded—I would not consume your Lordships time in minute detail, but perhaps it may be as well to say that large sums were paid through the account-current to particular individuals. Messrs. Mansfield, Ramsay, and Co. received to the amount of 5,000*l.*, which was sent through Mr. Robert Trotter to Edinburgh, with which 5000*l.* a heritable bond on landed security was redeemed, by which means Lord Melville got rid of the payment of 5*l.* per cent. upon so much, having obtained that loan without interest, for no interest was charged in the account-current or the chest-account. Another sum, which it is not material to specify, was paid through Mr. Robert Trotter to Sir William Forbes, by which Lord Melville also redeemed securities at interest. He also relied on the circumstances of the purchase of 2000*l.* East India stock, and 7000*l.* in the 3 per cent. Reduced, for the benefit of Lord Melville, as shewing that the public money was laid out for his benefit.

He then stated, that in May, 1800, Mr. Trotter told Lord Melville, when he was going out of office, that it was necessary his balances should be made good, and he laid before him an accurate statement in writing of what his lordship was to make up.

He then stated that, including the money due for the East India stock, the loyalty loan, the balance of the account-current, and the balance of the chest-account, the whole of Lord Melville's debt, in May, 1800, amounted to about 70,000*l.* which was discharged by borrowing 13,000*l.* of Messrs. Coutts, upon the security of his Lordship, and his son Mr. Robert Dundas; and by borrowing a further sum of Mr. Mark Sprott upon the security of Lord Melville's stock.

Mr. Whitbread then uttered a fine panegyric upon Lord St. Vincent, who had been the occasion of the act for appointing Commissioners of Naval Enquiry, and highly commended the conduct of those commis-

sioners, who had laid the foundation of this prosecution. He disclaimed all intention of imputing to Lord Melville the sordid passion of avarice. He admitted that his lordship was of a frank and generous spirit in money matters, but argued that, although he might not be desirous of acquiring wealth, he might have the desire of being supplied with money to gratify his love of hospitality and thirst for power.

Mr. Whibread then concluded and the court adjourned to the following day.

The next four days were occupied in proving some of the formal parts of the case, and in the examination of various persons from the Exchequer, the Treasury, the Bank of England, the Navy Pay-office, the Banking Houses of Messrs. Drummond, Messrs. Moffatt and Co. and Messrs. Smith, Payne, and Smith, the substance of whose evidence was as follows.

Previous to the act 25 Geo. 3. c. 31 (for regulating the office of Treasurer of the Navy) it was the practice for the Paymaster of the Navy to attend at the Exchequer, and receive in cash so much of the money directed to be issued to the treasurer, as he thought fit so to receive, and to receive the rest by a credit on the Bank of England. From the time of Lord Melville's appointment in 1782, until December 1785, during so long as his lordship was Treasurer, the late Andrew Douglas acted as his Paymaster, and attended at the Exchequer for this purpose. He also drew all the money from the bank which was issued for Navy services. Three several issues were made from the Exchequer to Mr. Douglas on the 6th November, the 22d of November and the 19th December, 1782, of several sums amounting together to upwards of 188,000*l.*, out of which 11,000*l.* was received in cash, and the rest by credit on the Bank. One of the bank notes, for 1000*l.*, received at the Exchequer on the 6th November 1782, was paid a week afterwards into the banking house of Messrs. Drummonds (but it did not appear by whom) to the credit of Lord Melville's private account, and one of the notes received at the Exchequer on the 22d November 1782 was paid a fortnight afterwards to Messrs. Moffatt and Co.

bankers, to take up a bill drawn by Mr. Newbiggin upon Lord Melville. Several sums were paid by Mr. Douglas to Lord Melville's private account with Messrs. Drummonds, during the years 1782, 1783, 1784 and 1785. Messrs. Drummond gave notice to Lord Melville that his account was overdrawn on the 23d June 1785, to the amount of 2,950*l.* and upwards. The sums which were paid in to the credit of this account next after that notice were the sum of 2,000*l.* paid in on the 4th day of October 1785, being a bill remitted from Scotland and the sum of 3,600*l.* paid in on the 29th day of December 1785, being another remittance from Scotland. Differences were proved to exist between the official balances of the Treasurer of the Navy, and the balances of the bank, at several periods between the date of Lord Melville's first appointments, and the month of December 1785, and in that month the difference was 10,600*l.* In December 1785 Mr. Douglas died, and his executor paid to Lord Melville upwards of 4,000*l.*, the balance of exchequer fees then in his hands.

Mr. Whitbread (one of the managers) then offered himself as a witness, and proved that on the 11th June 1805, he heard Lord Melville declare in the House of Commons, that, during the paymastership of Mr. Douglas, he possessed himself of public money to the amount of 10,000*l.* or thereabouts, and that he would not reveal the application of it, being impelled by motives of public duty, private honor, and personal convenience, to conceal it; and that he accompanied this admission with a declaration, that he had not converted any part of this sum to his own profit or emolument.

The examination of Lord Melville taken before the Commissioners of Naval Enquiry in November 1804, and two letters from his lordship to the commissioners, were read.

The sixth and seventh days were principally occupied with the examinations, first of Mr. Whitbread, and afterwards of Mr. Trotter, both of which, are given at length.

Mr. Whitbread, one of the Managers for the Commons, rose and said—I again offer myself as a witness to your lordships, and I swear, that on the 11th of June 1805, I heard Lord Melville declare, with reference to another sum of 10,000*l.* than that respecting which I deposed on the other day, that he did, at a subsequent time to the time at which he possessed himself of the first 10,000*l.*, possess himself of another sum, nearly to a similar amount; and I understood, in substance, that Lord Melville said, that he would not reveal the application of that money, any more than the first 10,000*l.*, and from the same motive. This was said in the presence of hundreds of persons; and I propose, on a future day, to call another witness to the testimony which I have given.

Cross-examined.

It is presumed the honourable Manager, upon this subject any more than the other, did not, at the time, take any note or minute in writing of what passed?—I certainly at that time took a note of the substance of all that Lord Melville said, but not of the exact words.

The speech of Lord Melville in the house took up a considerable time?—Yes, upwards of two hours, I dare say.

Could you undertake to repeat by heart any passages that made favourably for Lord Melville, as well as those that you have now given to the court?—I have repeated by heart certain words which I have sworn that Lord Melville spoke; any other particular words of his speech I am not quite sure that I could repeat: I am now only swearing to the substance of what Lord Melville said.

Can you repeat the substance of any other part of Lord Melville's speech which was favourable to Lord Melville?—If the learned counsel will point my attention to any particular passage of that speech, I will tell him whether I can repeat the substance of it or not.

Did the noble lord, in the course of his speech with respect to the sum in question, negative the appro-

priation of that sum, the same as of the other, to his own private use?—I understood him to do it exactly in that way as with regard to the other sum of 10,000*l.*

Do you recollect that the noble lord at the same time, in the most positive and explicit manner, did deprecate any appropriation of these sums to his own private use, or Mr. Trotter's?—I do not think that he did, in precise and explicit terms, negative that fact.

Can you, by referring to the notes you took at that time, be able to speak with more positiveness and precision upon that part of the subject?—I do not think I could speak with more positiveness and certainty.

Was no note taken upon that subject?—Yes; but when expressions are equivocal, it is difficult by any note exactly to give the precise meaning the words are meant to convey.

What was that equivocal expression that was used upon that occasion?—I do not recollect the precise words, but without recollecting the precise words, one may have a recollection that there was an equivocal sense pervading several sentences.

Endeavour to recollect the substance of what was said in that part of the noble lord's speech that made that impression?—The impression intended to be conveyed by that part of the noble lord's speech to which I presume the learned counsel means to refer; the impression intended to have been conveyed, I apprehend to have been, that he had not directed Mr. Trotter to make use of any public money for his private advantage. With regard to the permission which he had given to Mr. Trotter, I think the words were pretty precisely that he had given Mr. Trotter such permission.

Permission to do what?—To place the public money at other places than the bank, and also to make use of a part of it for his own advantage.

It is begged to repeat the question, whether the noble lord did not, in the most explicit and positive terms, deny that he had either given any permission or had any knowledge of the public money being

laid out to any purposes of private emolument or profit, either for himself or Mr. Trotter?—I wish the learned counsel to interpret what he means by 'laid out:' I understood the noble lord to say, or at least implied from it, that he had permitted Mr. Trotter to place the public money at other places besides the bank, for his own private purposes; with regard to other places, that he did not do any such thing.

Whether the honourable manager does not distinctly recollect that the averment of the noble defendant upon that subject, of placing it, was, that he had given no other permission but to remove the money from the bank to a private bank, for the convenience of appropriating it to the public service?—Certainly one of the reasons given by the noble lord was, that he had allowed the money to be removed to a private banker's, for official convenience, but it did not appear to me that that was the only reason

Then, having said one of the reasons assigned by the noble lord was, that it might be there for the public convenience, did he give any other reason besides?—Yes, I understood for the emolument of Mr. Trotter; and the noble lord described the manner in which he thought that emolument had accrued, namely, by interest paid by Mr. Coutts to Mr. Trotter for lodging that money.

Be so good as refresh your memory upon the subject, and say whether the sole reason given by the noble defendant was not, that the sole object of removing it from the bank was for public convenience; but at the same time did suspect or believe that an advantage had accrued to Mr. Trotter from that act, which was not done for his advantage, but for public convenience?—That was not the way in which I understood it altogether.

Whether you have refreshed your memory since you heard the speech, by a reference to what was stated on saturday as intended to be read in evidence, the substance of the speech delivered?—I have not looked at the pamphlet in question since I have been otherwise most laboriously occupied.

Whether the noble defendant did not, in express terms, say, that he did solemnly assert, before that house, that he never knew that Mr. Trotter had drawn any money for the purposes of private emolument, in manifest evasion of the act?—I am speaking to the speech, and not to the pamphlet; the pamphlet, which I have read more than once, does not in every part of it exactly correspond with the speech as delivered by the noble defendant in the House of Commons, to the best of my recollection and belief. Whether those precise words were uttered in the House of Commons, it is impossible for me to say; but whether they were or not, the context of all he said was, to make the impression upon my mind which I have had the honour of stating to the court.

It is begged to have a precise answer, whether those words, or to that effect and substance, were used by the noble defendant: I will repeat them again, "I "never knew that Mr. Trotter had drawn any money "for private emolument in manifest evasion of the "act"?—I can give no other answer than I have heretofore done, and I hope that is perfectly satisfactory to the court that I am not speaking to the words of that pamphlet, but to the words of the speech, without recollecting precise parts of it.

The word 'pamphlet' has not been made use of; but it is asked, whether in substance the noble defendant did not imply to the effect I am stating?—I do not recollect the precise words, nor do I think that the very substance of those words was uttered in any precise form by the noble lord.

Whether you mean not only to negative the precise expression that has been stated, but to negative also the substance?—I do not mean to negative the substance altogether of Lord Melville having criticised upon what the words 'manifest evasion' meant; the substance of the speech was what I have given to your lordships; the words themselves I do not recollect.

I am not answered yet; I wished to know, whether in words and in substance, and also to the effect of what was stated just now, was or was not made use of by

the noble lord?—Not to that precise effect; to an effect very nearly similar.

State what was the averment upon that subject, as near as you can recollect?—The averment upon that subject I took to be to import, that he had not allowed Mr. Trotter to do that to the extent which it had been done.

Is it to be understood, that your recollection is, that he allowed it to any extent?—Undoubtedly.

Do you mean that he allowed it in any other respect than as a benefit might arise to him from depositing it for the convenience of the public service at another bank?—The noble lord had first of all contended, that the act was not evaded; and therefore there comes a question, what was the evasion of the act; not a manifest evasion of the act, according to the construction of the noble lord; but according to the construction I put upon it, it was in manifest evasion of the act.

Whether the noble lord admitted that he had ever permitted Mr. Trotter to derive any private benefit from the public money, except the benefit arising from a deposit made at a private banker's for the purpose of official convenience?—I understood Lord Melville to say for Mr. Trotter's convenience also.

Whether, upon recollecting yourself upon this subject, you mean to state, that the noble defendant admitted that he knew or permitted any emolument to be derived to Mr. Trotter from the public money, save and except what resulted from its deposit at a private banker's for official convenience?—The noble defendant stated, that he had allowed the money to be placed at a private banker's for official convenience; and when there, he had allowed or permitted, or not prevented Mr. Trotter from making a private emolument from it: and that emolument arising from the interest he was to make of it from Mr. Coutts's.

Whether the noble defendant admitted his consent or knowledge of any other benefit to Mr. Trotter from it?—The noble lord never said he had restricted Mr. Trotter from making advantage in any

way, to the best of my recollection and belief; and he then stated that he had made it in that way.

The question is not, whether he restricted him, but whether he said he knew of his having any other advantage, excepting the advantage before stated?—He did not say he even knew it, but only supposed it; he did not admit that he knew of any other.

Whether he did not also state, in the same speech, that he never knew that Mr. Trotter had invested any money on exchequer or navy bills?—I believe he said so.

That he never knew he had put any money upon security of stock?—I believe he said so.

That he never knew he had employed any money in discount of private bills?—I believe he said so.

That he never knew he had employed any money in the purchase of bank or India stock?—I believe he said so.

Whether you recollect at the same time, the noble defendant declaring, that he had not the smallest knowledge or belief that Mr. Trotter ever did lay out for his use or any benefit in any such modes, any sum of public money whatever?—Please to read the passage over again, and tell me to whom that *his* refers, whether to Mr. Trotter or Lord Melville.

Question repeated.—I do not think so precisely as it is put in those words.

What was the averment upon that subject?—Pretty nearly amounting to precision, but not altogether; the impression made upon my mind was, that the denial was not positive and precise.

Can you with any distinctness recollect the substance of the expressions used?—I cannot recollect further than I have stated; I cannot discriminate more nicely; I wish I could, for the benefit of the learned counsel, as it would save him trouble.

Is there any part of this expression which you think was not used; I will read it again?—It is not the expression, it is the general impression of the same words in another order; the insertion or the omission of one word will make all the difference to the construction of the passage.

Have you the notes with you, which you took at the time?—I have not; they were notes I then took being then in the House of Commons, and endeavouring to prepare myself to answer the speech of the noble lord; they were notes of that sort, that if I were to refer to them now, I do not know that I should be able to understand them, and whether they are in existence or not, I cannot say.

This passage, which is favourable to Lord Melville, you have no distinct recollection of the terms made use of?—The only precise words I have any distinct recollection of, I have sworn to; I have no recollection of those words stated by the learned Counsel to the Court, whether favourable or unfavourable.

Examined by the Lords.

Question from a Lord.—When Lord Melville stated, that he would not reveal the application of a sum of 10,000*l.* or thereabouts, did he state to the house his reason for declining so to reveal it?—In mentioning of the first 10,000*l.*, or whether he coupled the two together, I am not quite sure; but the words he used and the motives he said that prevented him from revealing the application of that money, were motives of public duty, of private honour and personal convenience; I understood him to apply those words to both sums.

Then ALEXANDER TROTTER, Esquire, was examined as follows:

Were you ever in the Navy Pay Office?—I was.

When did you first enter the Navy Pay Office?—I believe in the latter end of the year 1776.

What was your salary when you were first appointed?—I went into the Pay Office a junior clerk; I believe upon a salary of 50*l.* a year.

How long did you continue in the Navy Pay Office?—I continued I believe till the year 1784 as a clerk.

Was your salary encreased from your first entering the office up to the day of your quitting the Navy Pay Office?—I apprehend it may have been, but not materially; I do not recollect.

Was it doubled?—I do not think it was.

How long did you remain out of the Navy Pay Office?—My recollection does not serve me to state that precisely, but I believe nearly a twelvemonth.

What office did you hold when you were replaced in the Navy Office?—I was appointed Paymaster under the Treasurer of the Navy.

Who appointed you Paymaster?—My Lord Melville.

Upon whose recommendation if you know it?—I am at a loss to ascertain that precisely; but my relation Mr. Coutts had applied to Mr. Pitt, and I believe Mr. Pitt had made interest with my Lord Melville, to appoint me to that situation; I do not know whether that was the only interest employed or not.

When you were appointed Paymaster, what was your salary?—500*l.* a year, with some deductions of taxes.

As Paymaster of the Navy, did you receive the balance of public money which was due from your predecessor?—The bank books were delivered to me, I believe by Lord Melville, and I was told that the public balance was at that time in the bank, excepting the sums that were in the hands of the Sub-accountants, and a sum which his Lordship mentioned to me.

Do you recollect what that sum was which Lord Melville mentioned to you?—I had stated it upon the best of my recollection upon a former occasion to be 10,000*l.*, but have been induced from many things I have seen since, to believe it was 10,600*l.*; 1,600*l.* a balance due from his first treasurership, and 9000*l.* a balance due on the first part of the second treasurership.

Did you examine the public cash at the time you became paymaster?—No further than by observing by the books that the balance was in the bank.

Where was that 10,000*l.* which you have thus divided into two sums?—My Lord Melville told me that he should account for it.

Did he tell you in whose possession it was?—He did not.

Whether you received the balance of exchequer fees?—I did.

What is the distinction between exchequer fee money and the public money deposited at the bank?—Exchequer fee money is imprested into the hands of the Treasurer of the Navy, who allows the Paymaster to have entirely the management of it, for the purpose of paying fees at the Exchequer, and some other contingencies.

Is the exchequer fee money imprested to the Treasurer of the Navy in the same manner as the other public money?—It is the only instance in which it differs.

In what manner does it differ?—The treasurer, or rather the paymaster, having the sole management of that business, applies to the Treasury for 3000*l.* at a time as he finds his funds are nearly exhausted or reduced under the sum of 3000*l.*

Does that application to the treasury originate with the treasurer himself?—It is put in execution by the treasurer; it may perhaps originate with the treasurer, because he signs all documents for the treasurer of the navy.

Does the paymaster transact every part of the duty of the treasurer by virtue of the power of attorney made to him?—All the public duties of the office, as far as I recollect, except that of appointing the clerks.

Does the Treasurer of the Navy do any public duties of the office, or interfere in drafts for cash after the appointment of his paymaster?—I do not recollect any instance of his having drawn drafts during the time I acted as his paymaster.

Where was the public money, exclusive of the exchequer fee money, when you took upon you that appointment?—It was in the hands of Mr. Archibald Douglas, Mr. Douglas's son.

It is meant exclusive of the exchequer fee money, where was the public money?—Part of it was in the Bank of England, and part in the Sub-accountants of the Treasurer of the Navy's hands.

Do you mean exclusive always of the 10,600*l.* which Lord Melville had told you he should account

for?—I mean so; having mentioned that sum, I did not think it necessary to repeat it.

Did the public money continue in the Bank of England; I mean to put this question exclusive of exchequer fee money. Did all the public money continue in the Bank of England all the time you were paymaster, excepting the money that was in the hands of Sub-accountants?—Of the money which I had taken under my management there were many exceptions.

What do you mean by the money which you had taken under your management, and where was that money?—I mean, in consequence of my having made an application to Lord Melville for liberty to draw part of those balances from the bank, and to place them in the hand of a private banker, for the convenience of official transactions.

Who was that private banker?—Coutts and Co. in the Strand.

Did you draw all your drafts from the bank in the forms prescribed by the act of parliament?—To the best of my knowledge and remembrance I did.

Whether you meant to pay them immediately to the Sub-accountants, or to place them in the house of Messrs. Coutts, was the same form always used in both those cases; did you always draw according to the terms of the act?—I always drew, to the best of my remembrance and belief, in the same form.

Did you ever draw a draft upon the bank of England, specifying pay branch, and deposit the Money arising from that draft in the house of Coutts?—Certainly.

And the same in the navy branch?—Undoubtedly.

And the same in the victualling branch?—I did.

Had you at any time any of the money so drawn under the terms of the act, which you took under your own management in the hands of other persons, besides those of Messrs. Coutts?—I had.

Had you ever with Mr. Sprott?—I had.

With Mr. Montague Lind?—Mr. Lind, as a friend, used to assist me in negociating business; but I do not recollect the having lent him any money.

Had you ever any in the hands of any house of credit and repute at Edinburgh?—I had.

Had you ever government security, such as navy, victualling, and transport bills, purchased with such money?—I had.

And Exchequer bills?—Yes, I had.

Did you ever discount the bills of any private individuals with that money?—I do not recollect the having transacted such business myself, but my friend Mr. Lind, and others whom I have employed, undoubtedly have.

Did you employ persons to discount the bills of private individuals, of good repute, with that money, through the medium of friends or agents?—I have.

Were you ever absent from the Navy Pay-office with permission of your principal?—I have been.

To whom, during those absences, did you confide the management of public money, both at Mr. Coutts's, in the hands you have stated, and at the Bank?—To Mr. Thomas Wilson.

In what way did Mr. Thomas Wilson draw, or in what way was he authorized to draw, on your account?—As I did not wish to propose to my Lord Melville to authorize any other person than myself to draw from the Bank, I found it necessary, in case of illness, or occasional absence from the office, when sudden demands were made upon the accountants for payment of money, to leave in Mr. Wilson's hands drafts signed by myself.

Were those drafts left in blank with regard to the sum?—That was necessary.

Were those blank checks so given to Mr. Wilson, both upon the house of Coutts, and also upon the Bank?—No, only upon the Bank.

Was the power of drawing unlimited?—It was, I did not mean to deny that Mr. Wilson had also liberty to draw upon Mr. Coutts, but it was not under the same form.

Had Mr. Wilson also power to draw on Messrs. Coutts?—He had.

In what form?—I do not recollect that I gave him

any written authority, though I suppose I must, as Coutts's house is so correct. I must have given them a written authority to answer demands he might make upon my account.

Had Messrs. Coutts unlimited authority to answer the drafts of Mr. Wilson on your account?—They had.

Had Mr. Wilson instruction from you, during your absence, to employ public money for your advantage in the same way in which you employed it while you were present?—He had my verbal instructions.

Did he act upon those instructions?—He did.

Did you actually make profit of the public money so placed in various hands, in the manner you have now stated?—I did. I never meant to conceal it.

Through whose hands, or whom did you first employ to make profit of the public money for you?—That I do not distinctly recollect.

Was Mr. Jellicoe a person so employed by you?—He was.

Did you ever act as a private agent to Lord Melville?—I have always endeavoured to be of what service I could to his lordship, in the transaction of his private business, but without any formal appointment as an agent.

When did the first transaction of agency from you on the part of Lord Melville, though not by any appointment from his lordship, take place?—It is impossible for me to recollect, as I do not recollect the instance.

Did it take place before your appointment of Paymaster of the Navy?—It did not.

When you were first in the navy pay office in the character of a clerk, at a salary of 50*l.* a year, were you in any way known to Lord Melville in that office?—I had the honour of being introduced to his lordship.

Do you recollect in what year, and about what time you were so introduced to Lord Melville?—I think about the year 1782.

What was your salary in the office at that time?—

I have not stated it to be not more than 100 *l.* I do not know whether it had varied from the first salary I had when I went into the office.

Did you, after you became paymaster, receive the salary of Lord Melville, as Treasurer of the Navy?—I did by virtue of a general power of attorney.

Did you receive Lord Melville's salary as his private agent, when Lord Melville held other appointments under government?—I received no other regular salary of Lord Melville's into my hands.

Did you receive his salary as President of the Board of Controul, for instance?—I did not.

As Keeper of the Privy Seal of Scotland?—I did not.

As Keeper of the Signet?—I did not.

Did you receive the income of Lord Melville's private estates in Scotland?—I did not receive them regularly; remittances have been made to me from Scotland, but I did not know from what sources they came.

Were you agent to receive regularly the income from Lord Melville's estates in Scotland?—I was not.

Did you regularly receive the income of any estates which Lord Melville might have in England?—I do not recollect that I did.

Did you receive the dividends from any public stock belonging to Lord Melville?—I did receive such dividends.

Did you keep any account between yourself and Lord Melville, as debtor and creditor?—I did.

Can you now produce such account?—I cannot, I have no account in my possession that I can command, excepting one that is in the possession of the Managers of the Impeachment.

In what way, in what form, upon what paper, or in what book was that account kept?—I kept the account in a small account-book of my own.

Was a copy or a statement of that account, regularly furnished by you to Lord Melville?—It was frequently, but not regularly.

When so furnished, did Lord Melville sign that account and you also, and were duplicates of that ac-

count made?—There were duplicates made; he did sign them generally, I believe always when I presented them.

Were those duplicates so signed by you and your principal, one part of them left in the hands of Lord Melville?—There were.

Did you carry to the credit of that account all sums of money which you received on account of Lord Melville for salary, and all occasional remittances from Scotland?—I carried them to the credit of Lord Melville, in his accounts with me.

Was interest on either side charged on that account?—There were none.

Did you advance to the debit of that account any sum of money to Lord Melville?—I have advanced sums of money to Lord Melville and placed them to the debit of that account.

Did you in 1786, or thereabouts, advance any specific sums to Lord Melville that went to the debit of that account?—As nearly as I recollect, I did advance specific sums to Lord Melville, and placed them to the debit of that account.

Was any security given for those sums?—His Lordship granted me a bond and security for 4,000 *l.* which I advanced him in or about that year.

From what sum was that money, or those sums composing the 4,000 *l.* advanced? I was enabled to advance that sum of money to his lordship from the fund which I have already explained, having had the controul of that which was put into my hands for the purpose of paying Exchequer fees! and as I had money upon two different treasurerships which would not probably be called for, but had always been allowed to remain in the paymaster's hands for the trouble of making up the ex-treasurer's accounts, I knew that money would not be called for till I should leave the office or the accounts should be audited; and from that account I advanced his lordship 4,000 *l.*

Did that sum of 4,000 *l.* so advanced to you bear interest?—I charged no interest to his lordship for that sum.

Did the bond bear upon the face of it that it was with interest or without?—It did not bear upon the face of it that no interest was to be paid, but no interest was expressed to be paid,

Was interest expressed to be paid upon the face of the bond?—It was not.

Why did you advance a sum of money to Lord Melville without interest?—I did not feel myself entitled to charge his lordship interest for money which had been put into my hands under the situation which I have described.

Did you describe to Lord Melville the reason why you did not charge interest?—I did not, nor did I press it upon his lordship's attention so much as to know whether he ever knew that it did bear interest or not.

Was this 4,000 *l.* so stated to have been without interest and upon bond entered in the account which you have stated?—I believe it to have been the first article in that account; but I can only speak from recollection; and it being at a very distant period, I beg to say, it is only from recollection that I do state it.

To the best of your recollection and belief was that the first item in the account?—I believe it was.

What was the title of the account?—It was entitled an account-current.

In the account-current so kept between you and Lord Melville were other advances made on the account of Lord Melville!—As I was in the habit of receiving all his dividends, and his salary as Treasurer of the Navy, of course I debited his lordship with payments that I made of those sums.

Did you also credit Lord Melville for all these dividends as received upon those sums?—I did.

Did you direct a purchase to be made on account of Lord Melville of 2000 *l.* India stock, in or about the year 1792?—My attention has been called to that circumstance from seeing the entry in the tenth report, and I have no reason to doubt that I did.

To the best of your knowledge, did you, or did you not, give such direction?—I really have no doubt that I did give such directions, although I have no

actual remembrance of it. I can venture to say, that I did give such directions.

Do you know, or have you any knowledge, from what fund the money was taken, with which that 2,000 *l.* India stock was purchased?—I have already said, that I had drawn money from the bank and put it into the hands of Coutts and Co.; these sums having created credit to me at Coutts's house, I then drew upon Coutts for money to pay for that stock.

Was that 2,000 *l.* stock bought on the account of, and for the benefit of Lord Melville?—I believe it was.

Were the dividends of that stock carried to the credit of his account-current with you?—I have no doubt that they were. I am obliged to speak under that reserve, from having no documents of my own to refer to; but from looking at the account at Coutts's house, I am satisfied, that the dividends of that stock were carried to the credit of Lord Melville's account.

Did you direct to be purchased, a certain quantity of stock, commonly called the Loyalty Loan, in or about the year 1797?—I did not, to the best of my recollection.

Was a certain quantity of the loyalty loan subscribed to for the benefit of, or on account of Lord Melville, by you, or under your authority, or paid for with money coming out of the funds you have described before?—There was no such stock subscribed for by me, or purchased by me; I believe the payments were made by Mr. Coutts's house, as far as I can understand and recollect; and they were afterwards repaid by me to Coutts's house.

Was that loyalty loan, the price of which was so originally paid by Coutts, and then repaid by you to Coutts, for the benefit or on account of Lord Melville?—It was repaid by me to Mr. Coutts for Lord Melville.

Were the dividends upon that loyalty loan carried to the credit of Lord Melville in the account-current between his lordship and you?—They were.

What was the quantity of that stock so purchased for Lord Melville?—I understood from the first ques-

tion upon this subject, that it was 10,000 *l.* then alluded to, it must therefore be 10,000 *l.*

Was Lord Melville debited in the account-current between his lordship and you for that sum of 10,000 *l.*?—I believe he was.

From what sources did you derive that sum of 10,000 *l.* to supply Messrs. Coutts for the purchase of that loyalty loan?—I cannot state the sources distinctly and separately, as they were upon different payments, unless I had documents, before me, which I have not.

From what fund or funds did you derive those various payments which constituted the 10,000 *l.* repaid to Messrs. Coutts for the purchase of that loyalty loan?—Some of the payments I drew from the bank, and put into Messrs. Coutts's hands, others I drew from my private account at Mr. Coutts's, and paid them into the account of Lord Melville.

Did that private account from which you gave some of these drafts, consist of public money, and a part of it of private money?—It consisted of both.

Did you purchase, or direct to be purchased a certain sum of 7,000 *l.* three per cent. reduced annuities, for or on account of Lord Melville?—I directed stock to that amount to be purchased, I believe.

Were the dividends of that stock carried to the credit of Lord Melville in the account-current between Lord Melville and you?—They were.

Was any interest charged by you upon any of the sums heretofore specified, 2,000*l.* India stock, 10,000*l.* loyalty loan, and 7,000 *l.* three per cent. reduced?—I have already mentioned that I placed these sums into my account-current with Lord Melville, and that I never charged Lord Melville interest upon that account; nor did I charge myself interest when the balance of that account happened to be in his lordship's favour.

Did you direct payments to be made to private individuals on account of Lord Melville?—I have frequently.

Did you direct a certain sum of money to be paid on account of Lord Melville, to the account of Sir

William Forbes and Co. in Edinburgh?—I believe I did from the documents that I have seen.

Have you any doubt of that fact?—I have none, but at the same time I have no recollection of it.

Is that letter, now in your hand, of your hand-writing?—This letter is of my hand-writing.

Is the whole your hand-writing?—It is.

Read that in order to refresh your memory; read first aloud to the Court the date of it.—The date is the 18th of July, 1787.

The witness was ordered to read the whole of the letter himself, so as to enable him as far as it might to answer the questions that might be proposed to him.

Then the witness was asked,

Having now read that letter, does it enable you to speak, from your memory, so refreshed, whether you did pay in a sum of money into the house of Sir William Forbes and Company, at Edinburgh?—I am satisfied that I gave such directions, though I do not remember the circumstance.

From that memorandum, are you satisfied that you gave such directions?—Perfectly so.

To what amount?—2,000 *l.*

Was that sum of 2,000 *l.* carried to the debit of Lord Melville in the account-current, and when?—It was carried to the debit of Lord Melville's account with me; but as his lordship had more than one account, I do not recollect which account it was carried to.

Was it carried to the debit of some account between Lord Melville and you?—Certainly.

Was any interest charged upon that 2,000 *l.* in that account, whatever account it might have been?—No.

Do you recollect, from having looked at that document in your own hand-writing, and made at the time, any advance directed by you to be made to the account of Lord Melville to the house of Mansfield, Ramsay, and Company, in Edinburgh?—The same letter specifies the sum of 3,374 *l.* to have been paid by my direction to Messrs. Mansfield, Ramsay, and Company, on Lord Melville's account.

Was any security given to you for either of those sums from Lord Melville?—None that I recollect; but having no recollection of the transaction at all, I can recollect no collateral circumstance attending it.

Was the last sum you have mentioned carried to the debit of Lord Melville in any account between his lordship and you?—Certainly.

What was the amount of that sum so paid by you to Mansfield, Ramsay, and Company?—3,374 *l.*

Was any interest charged upon that sum between Lord Melville and you?—I believe none to have been charged.

Was the balance of the account-current between you and Lord Melville more generally on one side or the other?—It was.

On which side?—Lord Melville was generally indebted to me.

To what amount, upon an average, in that account current?—I am perfectly unable to state that circumstance.

Can you recolect whereabouts it might be?—I cannot, unless any particular time was specified; and then I do not believe I could do it.

When was that account-current brought to a settlement?—Upon the general settlement which I had with his lordship at the time he left the navy pay-office.

When was that?—I think upon the 31st of May, 1800.

Was a transcript of that account, or the account itself, presented to Lord Melville at that time?—I made out a general statement of his lordship's business, as far as I was connected with him, and that account was particularly specified, as well as others.

At that time in whose favour was the balance?—The balance was in my favour.

To what amount, or whereabout was the balance in your favour?—I presume your Lordships mean the general statement, including all his accounts.

The question was to the account-current only, but postponing that to a future opportunity, do you recollect another advance in the year 1789, about the month of July, to Sir William Forbes and Co.?—I have no recollection of it.

Have you any recollection of the sum of 3,000 *l.* advanced about the 17th of the same month to Mansfield, Ramsay, and Co. on account of Lord Melville? —I have no recollection of that circumstance. I have seen both sums stated in the Tenth Report, but I have no other means of recollecting it.

Then a paper was shewn to the witness, and he was asked:

Look at that paper, is that your hand-writing at the bottom of that paper?—It is.

Read that, and see whether you refresh your memory by it; it is a memorandum dated the 5th of January, 1790, the transaction took place in 1789: can you now, from having refreshed your memory by that document in your hand, state whether you did advance, on account of Lord Melville, to Sir William Forbes and Co, 1,000 *l.* in the month of July, 1789? —I have no recollection of that particular transaction, and I hope it will not appear extraordinary to you, when it is considered the multiplicity of the transactions that went through my hand during the time I acted in that public capacity, and which appears in the Tenth Report.

But are you able to speak to the fact by referring to the paper you hold in your hand?—I have no doubt about the fact, from its being in a signed account between my brother at Edinburgh and myself, and it is stated to be transmitted to the house at Edinburgh through my brother.

Whether there was any other account besides the account-current kept between you and Lord Melville? —There was.

Was that account also kept in a book?—It was written in the same book.

What was the title of that account?—It was entitled "Chest Account."

Do you recollect whether the sum of 10,600 *l.* which it was stated by Lord Melville that he would account for when you first became Paymaster of the Navy, was carried into that account?—I do recollect that it was stated in that account.

Did it form the first item of the account?—It did.

Were there other sums advanced on account of

Lord Melville entered in this chest account?—There were.

Was the loyalty loan, to the amount of 10,000*l.* which you stated to be advanced to Lord Melville for the purchase of that stock, and carried to the account-current, ever transferred to this chest-account?—It was.

To whom did you consider Lord Melville to be debtor on the chest-account?—I considered Lord Melville to be indebted to government for the sums I advanced upon the chest-account.

Did Lord Melville know that you so considered it?—I never had any specific conversation with his lordship upon it, so as to enable me to say positively that he did; but the accounts were signed, and duplicates were delivered to his lordship.

What was your reason for transferring the loyalty loan money from the account-current to the chest-account?—It was from an anxiety, an attention to my own interest. Lord Melville was indebted to me as a private individual only, upon the account-current, and I considered him indebted, as I said before to government for the balance upon the chest-account.

Did you state to Lord Melville that you wished or intended to transfer this loyalty loan money from the account-current to the chest-account?—I do not recollect that I positively stated it to his lordship; but I delivered accounts which bore it upon the face of them.

Were those accounts, upon the face of which this transfer was borne, delivered to Lord Melville and signed by him, the same as the other accounts?—They were.

Were the duplicates so signed, one part taken by Lord Melville and the other part by you?—They were.

Did you charge any interest to Lord Melvile upon the chest-account, when the balance appeared to be against Lord Melville?—I did not.

On which side did the balance on the chest-account usually stand?—Lord Melville generally stood debtor upon that account.

Did Lord Melville approve of the transfer of the

loyalty loan to the chest-account?—He neither approved or disapproved of it. He took the accounts without any consideration.

Did Lord Melville in fact know at the time the chest-account was delivered to him, that he was indebted to the public upon that account in the sum of 10,000 *l.*?—I presented the accounts to his lordship; but as we had no conversation upon them, I am altogether at a loss to answer that question.

Did he know of any distinction between the two accounts, respecting the situation of the one account and the other account?—I have no reason to doubt it.

Did Lord Melville then know that upon one account he was indebted immediately to government, and on the other that he was debtor to you?—I believe he did.

When did this chest-account terminate?—At the general settlement which took place when his lordship left the office.

Did you present to Lord Melville a general statement of this chest-account, as well as the account-current?—I did.

Did Lord Melville sign that account, or acknowledged it?—I believe he did.

Did Lord Melville at that time discharge these two accounts?—He did, to the best of my recollection.

Do you recollect what the amount due to you upon those two accounts was?—I have no recollection of the precise specific amount.

To the best of your recollection, whereabouts was the amount of these two sums?—I should think nearly about 50,000 *l.*

Did you lay before Lord Melville, at that time, the differences between the office cash and the cash at the bank?—I do not recollect that I did.

Did you state that in consequence of Lord Melville's intended quitting the navy-pay office there would be a necessity for his providing a sum of money?—I did.

For what purpose was it necessary to provide that sum of money—To make a repayment of the money which his lordship had from the public balances.

Did that repayment, so to be made by his lordship, consist of the two sums so taken together, the account-current and the chest-account?—I have explained that I applied to his lordship for a general settlement at that time, and finding that his lordship pointed out assets sufficient to discharge both, I incorporated the two accounts together, and his lordship paid me the balance of both.

To what account was that balance so paid to you placed?—To discharge the balance upon the chest-account, and upon my account-current with his lordship.

Where did you pay those balances as soon as you received them?—I do not know that they went all through the same channel.

Where did they centre ultimately?—They must have centred ultimately in the bank; because I had a larger sum at that time from the bank upon my own account.

Did this sum which my Lord Melville so paid you go to make good the differences at the bank?—I cannot state from recollection whether the whole went or not.

Were your differences as paymaster at the bank made good in part by these payments so received of Lord Melville?—As money cannot be identified I cannot answer that literally; because it may first have gone into Coutts's house, and I may have drawn a larger sum from Coutts's house, which may have made up my balances.

Did the money so paid by Lord Melville go into Coutts's, or any other hands, for the purpose of ultimately making good these differences at the bank, or a part of them?—I presume they must ultimately have been applied to that purpose, as I had a much larger sum to pay at the bank than that upon my own account.

Did you consider that money, before it was paid by Lord Melville, as a part of the difference owing to the public?—I have stated, that a part of the balance that was due upon the chest-account, I looked upon as due to the public, the other as a balance due to

myself; and whether I paid that money afterwards into the bank in whole or not, upon my own account, I do not know.

Did you consider that your own difference to the public was increased by as much as Lord Melville was debtor to you upon the account-current?—I did, as far as I can understand the question.

If, for instance, exclusive of the account-current, your difference consisted of 20,000 *l.* and the account-current consisted of 25,000 *l.* was the difference increased 45,000 *l.* by the payment of Lord Melville to you?—I do not understand the question.

Was your difference, your debt to the public, swelled by the debt owed to you on the account-current of Lord Melville?—If I understand the question, certainly not necessarily.

Was it, in fact, so increased on account of the debt Lord Melville owed to you?—I do not know whether it was.

If you had not had any balance due to you from Lord Melville on the account-current, on the 31st May, 1800, would you have had so great a difference at the bank as then existed?—I may have chosen to take the balance which Lord Melville owed to me into another channel, in which case it would have made no difference in the cash in the bank; and as the fact did not exist, I cannot say what I would have done in such cases.

If Lord Melville had not paid to you the sum due upon the private account, to enable you to pay that sum into the bank, must you not have been under the necessity of providing that sum of money elsewhere?—Certainly.

Did Lord Melville understand then, that the discharge of these two accounts were to enable you to make good your differences at the bank?—Certainly not; Lord Melville understood that so much of it was due upon the chest-account; I believe he understood that was to make good his lordship's difference at the bank, and the other was to be in repayment of a sum of money which he owed me upon my account-current.

Whether you gave directions in or about the year 1789 or 1790, for the purchase of another sum of East India stock for the benefit of Lord Melville?—I gave directions in the year 1789 to purchase a sum of East India stock for the benefit of Lord Melville.

Are you enabled from your memory to state what passed between Lord Melville and yourself upon that subject?—I will state the transaction as far as my memory will carry me, which was in consequence of a conversation I had with his lordship, in which he stated his opinion, that the value of East India stock, from the probable rise that would take place ultimately in that stock; and I observed to his lordship, that if he was impressed with so good an opinion of that stock, that I thought, in consideration of his own interest, he ought to invest a sum of money in that stock: his lordship's observation seemed to throw it aside, by saying that he had no money to invest in stock. I had mentioned to his lordship that there were considerable balances lying at all times in my hands that were not called for, and, in all probability, would not be called for, from circumstances that I need not perhaps relate at this time; but it was money lying unclaimed in my hands, which it would not be necessary to advance to the public untill they were claimed, and there was no prospect of that claim taking place soon; and I advised his lordship to give me leave to lay out so much of that money as would buy about 13,000 *l.* or 14,000 *l.* East India stock, but which his lordship refused in the most pointed and decided manner, insomuch, that I was afraid I had incurred his lordship's displeasure by proposing it. But it occurred to me at the same moment that it would be possible to borrow a sum of money upon the security of that stock, and I proposed to his lordship that I should endeavour to do so, and that I should lay out that money in the purchase of East India stock; to which his lordship readily assented. I mentioned that I then lived with a relation of my own, who was a man of considerable importance in the city, and that

he would be enabled to raise this sum of money for me. In short, I made it an easy matter to his lordship. But when I applied to Mr. Lind, the gentleman to whom I alluded, I found that I was deceived, and that it was not an easy matter to raise money upon that security; but I was unwilling to disappoint his lordship in what I had so sanguinely told I could effect, and I never acquainted his lordship with the difficulty that had arisen, but I assisted Mr. Lind by advancing money from the public money which I had the management of. I never had occasion afterwards to mention the circumstance to Lord Melville until April in the last year, and he was perfectly unacquainted with my having made use of the public money in that transaction; and I charged his lordship a regular interest for the whole of the money which I advanced in that transaction, from the first day it was advanced until the final settlement of our account.

Did Lord Melville never inquire the name of the lender of that money?—I do not recollect that his lordship ever did: I had stated in such positive terms that Mr. Lind could do it, that I never found it necessary to mention the circumstance again to Lord Melville, but took it for granted that he had thought I had concluded the transaction in the manner that I supposed it could be effected.

Did you mention Mr. Lind's name to Lord Melville at the time?—I did.

Were the dividends upon that stock carried to the credit of Lord Melville's account?—They were.

Did you direct any transfer to be made to Lord Melville of any part of that stock, at any time previous to the year 1800?—I have no recollection of that circumstance; it was mentioned to me yesterday, but I do not recollect it.

What was the amount of the sum originally expended in the purchase of this stock?—I have stated it in another place, and I have no reason to alter my opinion now from recollection that it was about 23,000 *l.*

Did the debt for the purchase of that stock conti-

nue to that amount until the stock was replaced or repaid for?—It did not.

In what manner, and to what amount was it diminished?—It was diminished, by payments from his lordship to me, to the sum of 20,000*l.*; upon which his lordship continued to pay interest to me until the final settlement of our accounts.

In what manner was the 3,000*l.* repaid to you?—I have no distinct recollection of it, but I believe I have been paid at two different times.

Was the 3,000*l.* so paid, carried to the credit either of Lord Melville's chest account, or his account current with you?—It was not

To what credit was it carried?—It was carried to the credit of the debt which was upon the stock.

To whom was that 3,000*l* paid?—As I had advanced the money for the stock myself, of course it was repaid to myself.

Was that East India stock in possession, or was it still placed for the benefit of Lord Melville in May 1800, when he quitted the navy pay office?—He was possessed of it in the manner I have described. It was held in trust by the house of Messrs. Thomas Coutts and Co., and subject to my controul.

Was it subject to your controul during the whole time that it was out?—I do not recollect any interruption of it.

Were the dividends always carried to Lord Melville's credit?—I believe they were.

At the time that you proposed to Lord Melville to purchase East India stock for him out of the public balances lying in your hands unclaimed, did Lord Melville ask you the amount of such balances?—I do not recollect that he did.

Did he enquire whether you had in your hands assigned or unassigned balances, or whether you had both or either?—I never had any conversation with his lordship upon the subject.

Were you ever restricted by Lord Melville in any way, as to the quantity of money you were to keep out of the bank at the house of Messrs. Coutts?—

Lord Melville left the management of the balances in the bank entirely to me. I believe I enjoyed his lordship's confidence to the fullest extent, and he never interfered.

Was there any restriction upon you as to the sums to be taken out of the bank for that purpose?—There were none.

There were no restrictions as to the branches upon which you were to draw when you took money from the bank to place it at Messrs. Coutts's?—Lord Melville never interfered with me in the management of the balances of the Pay Office.

Question repeated?—I have not the least idea of the meaning of the question.

Did Lord Melville say that you might or might not draw upon the Pay Branch, that you might or might not draw upon the Victualling Branch, that you might or might not draw upon the Navy Branch, or did he mention any restriction as to either of them?—I have already said Lord Melville never gave me any instructions with regard to managing the balances of the office; therefore I do not know what the honourable managers mean by restrictions upon it.

Did Lord Melville order you not to draw upon this or that branch for any purpose?—Certainly not.

Did you ever draw drafts in favour of the Right Honourable Henry Dundas in your account at Coutts?—Undoubtedly.

Did you ever draw drafts in favour of Mr. Dundas?—Certainly.

Did you ever draw drafts in favour of Henry Dundas?—Undoubtedly.

Do all these three descriptions mean the same person, the Treasurer of the Navy?—They did, unless some exceptions may exist in case of my having drawn in favour of Mr. Robert Dundas.

Were those drafts in general in favour of the Treasurer of the Navy with small exceptions?—They were.

Did you use either of those names Mr. Dundas, Henry Dundas, or the Right Honourable Henry Dundas, in the drafts of Messrs. Coutts without the

payment being made either to Lord Melville or some person on account of Lord Melville, or some person having a money connexion with Lord Melville?—It is probable I never did; but so many transactions of this sort took place, that it is impossible for me to say that there were no exceptions.

It is asked, generally speaking?—Generally speaking, they have collateral connexion with Lord Melville's accounts.

Was this East India stock in May 1800 when Lord Melville went out of office either sold or pledged for the purpose of making up your deficiencies at the bank?—It was disposed of at that time.

Was there any increase upon the value of that stock from the time at which it was bought to the time at which it was either so sold or pledged?—The stock had risen.

To what account was the money obtained upon the stock either sold or pledged carried?—£.20,000 to pay off the debt upon that stock, and £.8,000 of it went to pay me in part liquidation of the balance upon my account current.

Had Lord Melville in fact the benefit of the rise of that stock?—Certainly he had; and the loss would also have accrued to his lordship in case the stock had fallen.

Had he the benefit of the excess of dividends above the interest at 5 per cent. paid for the money, during the whole time there was such an excess?—I do not know that the dividend did exceed the interest which he paid upon it, especially at first, I believe it did not.

Was there at any time a rise upon that, between the time the stock was purchased and the time it was sold?—There was a rise upon the dividends on the stock, several years after it was purchased upon his lordship's account.

Was any security, of any kind, given to Mr. Lind for this purchase of East India stock?—The stock was invested in his name some time after, not immediately, as I have understood from a document which has been lately put into my hands.

Did the accounts which you from time to time

delivered to Lord Melville, though not delivered at regular periods, include all the receipts and payments made and received by you on account of Lord Melville?—They did, to the best of my recollection.

Did you, at the close of the year 1790, make up all the balances of the Navy Pay Office at the Bank of England?—The account at the Bank of England appears by my books to be balanced at that time; but whether the balance was exactly paid in or not I cannot ascertain, because some of my drafts may not have been presented, in which case that would form part of the balance appearing so to be paid in.

Was the balance at the end of the year 1790 exactly struck, and did it appear that there was no deficiency at that time?—They appeared to be; I could speak with more precision if the accounts were laid before me, which I have not had the advantage of for some time past.

Did you make up the difference between the balance of the one account and the other, at the end of the year 1791?—I cannot speak from recollection; my documents are in the hands of the honourable managers, and I probably should be able to speak with more precision if they were laid before me.

If there was any difference between the office cash and the bank cash, in the end of the year 1791, of what money did that difference consist?—It would consist of drafts of mine which had not been presented at the Bank in part, and in part of the sum of money which Lord Melville was indebted to the chest account, and to me upon my account current.

Did that balance you are now speaking of, comprehend both the chest account and the account current?—It did, to the best of my recollection of the accounts.

Did the balances so outstanding, from 1791 to 1799, comprehend those balances so due from Lord Melville?—They did, to the best of recollection; of the settled accounts always; but a small account may have existed upon the account current, which was not included in that.

Did the difference between the office and the bank

balance, at the end of each of those years which you have specified, denote, with a trifling exception, the sum of money which was to be made good by payments from Lord Melville to the public, and to you? —They did, to the best of my recollection.

How long did you continue in office after Lord Melville left it?—Upwards of two years.

Who was Treasurer of the Navy after Lord Melville?—Lord Harrowby succeeded Lord Melville, Mr. Bathurst succeeded Lord Harrowby, and Mr. Tierney succeeded Mr. Bathurst.

Was any interruption given by either of those Treasurers to the practice of taking the money from the bank and placing it in the hands of Mr. Coutts, or any private individuals?—Mr. Bathurst ordered it to be altogether done away.

Was that order carried strictly into execution?—I do not know how I must be pinned down to the word strictly; Mr. Bathurst did not press it to be done within a few days, but to do it with convenience to myself; that I might do it in the space of a month or so; there was no time defined.

Was it done within the month?—It was.

Did you continue in the situation of Paymaster after the money was so placed at the bank?—I did.

When did you quit the office?—I left the office in one month after Mr. Tierney succeeded to the situation of Treasurer of the Navy; I do not recollect the time.

Were you ever after appointed Paymaster of the Navy?—I was, by Mr. Canning.

Did the same practice that had been ordered by Mr. Bathurst, prevail during the treasurership of Mr. Canning?—It did.

Was the balance upon the chest account always against Lord Melville?—I believe it was.

Was any security, of any sort, signed by Lord Melville, to you or to any other person, on account of the India stock so purchased?—None.

When did you quit the Navy Pay Office altogether? —I believe in the April in last year; I have no recollection of the precise day.

Did you, while you were Paymaster of the Navy, make any cash payment with your own hand on account of the public?—I do not recollect that I ever did, excepting in exchequer fees.

Did you always issue your money by drafts to your sub-accountants?—I recollect one or two instances wherein I did not, having a sum of money in the iron chest I issued to them.

Were those exceptions to the general very few?—Very few.

Did you ever draw drafts upon the Bank of England, and go yourself, or send others, to take cash or bank notes from the bank, to be paid either to Messrs. Coutts, or elsewhere?—I do not know that I ever did it personally, but I have sent others to do so.

Have you, or any other persons, received such money without passing it through the hands of Mr. Coutts?—I have no knowledge of its ever having been done: I have been informed it has been done.

Do you recollect no instance of notes having been brought from the Bank of England without passing through the hands of Coutts?—I do not recollect any myself: my instructions were generally given to Mr. Wilson, who managed that for me, or Mr. Tweedy, of the Pay Office. I am told that has happened more than once, but have no recollection of it.

Do you recollect drawing one day for a million of money, and having received a million of money, without passing through the house of Coutts?—I never drew for a million of money but once in my life, and that money went into the hands of Coutts.

Was it paid into Coutts' hand in bank notes, or was the draft given to them?—My draft was given to the principal money conductor of the Pay Office, who went into the bank with that draft, the notes being divided into a great number of small notes; and he brought that directly, and put it into the house of Coutts, as I understand.

Then it was put into Coutts's bank in bank notes, and not in the shape of a draft?—I drew a draft as usual upon the bank; but instead of giving the

draft to Coutts, I gave it to the money conductor, who carried it to the bank, and took the bank notes to Coutts's.

Did you ever draw for small sums, either upon the bank, or upon the house of Coutts, for public services? —I do not know what the honourable manager may call a small sum.

Did you ever draw for a less sum than a thousand pounds either upon the bank of Messrs. Coutts, on account of the public service?—I make no doubt I have often done so.

Did you ever make any small payments on account of the public service, excepting exchequer fees?—I do not recollect any, unless it were repayments into the bank.

According to the nature and to the practice of the Pay Office since that account, have payments been made by the Paymaster in the ordinary course of the office?—I do not recollect any: I do not know what the honourable manager alludes to.

Do any payments to any public creditor pass in the usual form of business through the hands of the Paymasters?—I believe not.

Are not they all made by the sub-accountant?— They are, as I said before, except with regard to the exchequer fees.

Did you ever receive any gratuity from Lord Melville for acting as his agent?—Never.

Is the book in which you kept the account current and the chest account, destroyed?—It is.

Are all the books containing any accounts between Lord Melville and you, and the vouchers, destroyed? —They are, to the best of my belief.

Did you ever lose one of these books whilst they were in existence?—I was robbed of one of those books at one time.

Did you recover it again?—I did.

How did you get it again?—I received it from one of the magistrates of the Public Office in Hatton Garden.

Was that one of the books in which the account

current and chest account between you and Lord Melville was entered?—It was.

Look at this paper: is that signed by you?—It is.

What does that paper purport to be?—It purports to be an account current between Lord Melville and myself, dated commencing in the year 1802.

Is that an account balanced?—It appears to be so.

Is it signed by both parties?—It is.

Have you any vouchers in your hand connected with that paper?—Here are vouchers, but I do not know whether they belong to it or not.

Refer to them?—They do not seem to refer to the account; they are of subsequent date; I see no reference whatever.

Are they vouchers of any accounts between Lord Melville and you?—They are vouchers of three payments which I appear to have made upon Lord Melville's account.

Is the sheet now in your hand of the nature of those accounts which you delivered to Lord Melville at certain periods?—They are.

Were the accounts so delivered by you at certain periods, both on the cheft and current account, so signed as that paper in your hand is signed?—They were.

To whom did you give the direction for the purchase of 2,000*l.* India stock in 1792 for the benefit of Lord Melville?—I can only judge from that circumstance, that most part of my transactions of that sort went through the house of Coutts and Co.; and I have no doubt my directions were there placed.

To whom were the directions given for the purchase of 10,000*l.* of the loyalty loan in 1797?—I gave no directions respecting that, to the best of my recollection.

To whom did you give directions for the purchafe of the 7,000*l.* 3 per cents reduced?—I presume, also, to the house of Messrs. Coutts and Co.

Does Mr. Philip Antrobus, the broker, act for that house?—I have heard so.

Do you know that he did at that time act for that house?—I believe it; but I do not know it.

Cross-examined.

You speak of your being appointed Paymaster in consequence of the recommendation you stated, had you had an opportunity of being useful to Lord Melville in some regulations respecting the office, previous to your being appointed by him to the office of Paymaster?—I very early after Lord Melville's first appointment as Treasurer of the Navy, presented his lordship with a plan for new regulating the business of the office, which, I have understood was much approved of by his lordship.

In what year was that?—I fancy it was in 1782; it was a very short time after his lordship was first appointed Treasurer of the Navy.

Some time prior to your being appointed Paymaster?—A great many years before.

In that interval, between the circumstance that first brought you to Lord Melville's notice, and your appointment as Paymaster, was any intercourse kept up between his lordship and you?—I believe I was known to his lordship during the time; but I had no particular intercourse with his lordship.

The first circumstance you were interrogated to, after that of your being appointed Paymaster, was his lordship's acknowledgment of a balance in his hands of 10,000*l.*; at the time Lord Melville said that was in his hands, did he not, at the same time say, it was not applied to any private use or emolument of his own, but to public purposes, from whence it was likely there would be a loss?—His lordship expressed to me, he was afraid that there might be a loss. The conversation might be very pointed; but I do not recollect it so much, as to be able to say that his lordship actually stated it to be for public purposes; but it is at a very distant period, and it is not impossible he did.

Have you any the least recollection, that Lord Melville acknowledged that he had applied it to any purposes of private benefit to himself?—None.

Whether the sums for the purpose of paying the

exchequer fees which you have stated, had not for some time been a fund in the hand of the Paymaster, which he used for his own emolument when not wanted by the public?—I had understood that they had always been in the hands of my predecessors, Paymasters of the Navy; and that the parts which were not immediately required for the payment of the public fees, were made use of; and that as soon as the sum in their hands was reduced to under 3,000*l.*, it was usual for the Paymaster to make an application for a further sum of 3,000*l.*, to be impressed into his hand for that purpose; that was the mode that was explained to me when I came into the office, and I received the balances remaining upon two ex-treasurerships; and, soon after my appointment to the office, 3,000*l.* was put into my hands, to pay the exchequer fees upon the current treasurership.

It is thought you said the money issued for the exchequer fees is issued in a different mode from the money issued for the public service?—I did state so.

State wherein that difference consists?—All monies issued from the exchequer to the Treasurer of the Navy, are in consequence of a letter from the different boards connected with that office, desiring him to memorial the treasury for such sums of money, excepting in the instance of exchequer fees; he alone is acquainted when they are nearly exhausted, and when he finds them to be nearly exhausted, he includes an application for 3,000*l.* into any memorials to be sent to the treasury, to be imprested into the Treasurer's hands.

Is it to be understood then that all applications for other sums of money for the public service must originate with some one of the boards?—The whole of the money.

There are different boards give directions for issuing of money; can any money be issued from the exchequer to carry on the naval service, without a letter from one or other of those boards?—It cannot.

Does that letter, or a copy of it, accompany the memorial to the treasury for the issue of that money?—It does.

Is that the case with respect to money that issues for exchequer fees?—I have endeavoured to explain that it is not; it originates entirely from the Paymaster in fact, who is the judge of when that fund is nearly exhausted.

Was the course of office you have described, the same before the act of parliament, as it has been since the passing of the act of the 25th of the King?—The same, I believe.

Is then the issuing exchequer fees a subject to which the regulation of the act of parliament by the course of office applies?—I presume it is, as I believe the act of parliament directs all sums from the exchequer to be issued to the bank, and the money to pay exchequer fees is accordingly issued to the bank.

Whether all the detail and management of the Paymaster's office has always been left to the Paymaster?—I believe it generally is; especially during the time in which I acted as Paymaster to the Navy, it certainly was, and altogether so in Lord Melville's time; some subsequent treasurers have thought it necessary to attend the business of the office more minutely.

But during the whole period of time you have been acquainted with the office, has the execution of it in detail always been left with the paymaster?—Always, I believe.

Was that the case during the whole period of Lord Melville's treasurership?—As far as I know, it was.

Was the whole management and drawing for the public money entirely left to you during the period when you were paymaster?—I believe it was.

You stated that permission was given by Lord Melville to draw money from the Bank of England to Coutts's bank; whether the only reason represented by you to Lord Melville for that measure, was not, to facilitate the official convenience?—Entirely so, I always stated so, the convenience that would arise, and the greater security of the money.

State, if you can recollect, how you represented

that it would facilitate the convenience of the office that that transfer should take place?—I represented the inconvenience that would attend the payments from the distance of the bank, and proposed to his lordship, that a banker nearer should be allowed to keep the money in his hands, till I found it necessary to issue it to the sub-accountants.

Did you state also to Lord Melville, in what manner the money would be more secure?—I represented to him the danger of sending in drafts to the bank every day by messengers, who were obliged to bring out the produce of these in cash to supply the daily payments.

Whether, when this application was made by you, the office had not been removed from Broad-street, where it had been before situated, to Somerset-house?—I believe it had.

Though the paymaster makes no payment with his own hand, does not the paymaster furnish the supplies to the sub-accountants for all the money that is daily paid?—He does.

Was there the least mention to Lord Melville, at the time application was made for his permission to make the change you have stated, of any private emolument to be derived to any body from it?—None whatever; it was never in Lord Melville's contemplation, and I do not remember that it was in my own at that time.

Was the permission which was given to draw money from the bank, to be deposited till it was wanted in Coutts's bank, entirely confined to the money that would be wanted for official convenience?—I do not know that the conversation extended to so great a length as to go into that minute part of the subject.

But was there then, or at any subsequent time, any permission given by Lord Melville to draw monies from the bank for any other purpose?—Never.

You are understood to state, that you received Lord Melville's salary as Treasurer of the Navy?—I did, in most instances; I had thought universally so, till a statement was made from the Pay Office, in

which I found some few payments had been made by Mr. Wilson upon my account, and to others upon my account; and one payment to his lordship.

Besides the salary of the treasurer which you received, did you also receive, on Lord Melville's account, during the whole period of acting as his agent, various remittances from Scotland, and other places, on his lordship's account, to a considerable amount?—I did to a large amount.

You speak of your attending Lord Melville with the statement of his accounts, which was signed by his lordship, as you are understood to state, and duplicates of the accounts left by him?—So I stated the fact.

Whether, when you attended his lordship upon the subject of private business, and business of the nature you have stated, you observed whether his lordship gave any particular attention to the business?—I was very much concerned that I never could draw Lord Melville's attention particularly to the subject of his private accounts.

Were not, in most instances, the accounts that were produced, brought by you, signed immediately upon the confidence Lord Melville reposed in you, without any examination?—I always exhibited the accounts to his lordship, for his examination; and he may have looked at them; but I am conscious that he never attended to them particularly.

Whenever you had occasion to attend his lordship upon any business of a public nature, or any business that related to the detail and management of the office in which his own private interest was not concerned, did you find Lord Melville equally inattentive, or directly the reverse?—I must state directly the reverse; Lord Melville never interrupted me in any representations that I made to him respecting the public business of the office, unless it was merely telling me he had not time to attend to me at that time, and appointing another time, when I laid the subject before him.

Is it to be understood, that when you waited upon Lord Melville upon the public accounts in which he

was not personally interested, you were sure to have his attention, but could not get his attention in the same manner to his own private accounts?—That is what I mean to state.

Whether Lord Melville did at any time require or receive from you any receipt or voucher, or document of any kind upon these accounts?—I do not recollect that I ever gave him a receipt for any money in my life.

Whenever you have paid money for him, did his lordship ever desire to see any voucher for that payment, or take it entirely upon the representation you gave of it?—I never failed to present the documents and vouchers to his lordship; but I do not recollect any instance in which he required it.

Have you any distinct recollection that can enable you to state what was the form or the contracts of the bond of this 4,000*l.*, or whether it was not a bond in the usual form?—I have no recollection of it whatever; only I believe it did not bear interest.

Have you any recollection whether its not bearing interest was or not specified in the bond?—I have no distinct recollection; but I do not believe that it did.

The first purchase you speak to was 2,000*l.* East India stock; whether, after the documents you have seen on the subject, you have now any memory or recollection upon the subject?—I recollect, generally, that Lord Melville wanted to be possessed of a further qualification of East India stock; and he begged me to procure it for him; but whether he told me that he would immediately repay me the money or not, I do not recollect.

Whether upon that occasion, or upon any other, Lord Melville ever directed you to lay out any part of the public money in your hands for the use and benefit of Lord Melville?—He never did under the specific name of public money, or any money bearing that description.

In every instance in which this stock was purchased by you, was it understood by Lord Melville to be purchased either out of Lord Melville's own funds, or from private funds, lent him by you?—I cannot pre-

cisely say that; I do not know any thing to the contrary; but I do not know what Lord Melville's conceptions may have been; he never expressed himself to the contrary to me.

Is there any instance in which prior to the purchase of any stock, it was mentioned to Lord Melville by you, that it was intended to be purchased out of the public money, except in the instance of the purchase of East India stock?—Never, to the best of my recollection.

Are you to be understood to state that in the only instance where that was proposed, it was indignantly rejected?—I mean so to be understood.

You are understood to state that you did not originally give directions, nor are cognisant by whom the directions were given for the purchase of the subscription of the 10,000*l.* loyalty loan?—I am unacquainted who gave directions respecting that loyalty, at least I have no recollection of that, and I do not find that it passed through me, or by my orders.

Can you recollect whether the first instalment that was paid for that loyalty, was not paid out of the private funds belonging to Lord Melville?—It may have been so, but I do not recollect the circumstance.

You stated, that you had paid several instalments from time to time upon that loyalty stock?—I have.

Was it at any time communicated to Lord Melville, whilst these payments were making out, out of what funds those advances were made?—Never; I believe they were made in consequence of demands which were made upon Lord Melville, and which I satisfied without any instructions from his lordship.

Can you recollect about which period it was, that the last of those payments in respect of this 10,000*l.* loyalty was made?—I do not; but my accounts with Mr. Coutts must show it.

Do you remember the year?—I have no recollection of it.

Do you recollect whether it was about September 1797?—I have no recollection of it.

Do you recollect, that soon after the last instalments were paid upon that account, securities were given by Lord Melville, and a power of attorney for the sale of that and all his other stocks, to secure the repayment of what was due?—I perfectly recollect the circumstance.

Did those securities cover an ample fund for the re-payment of all those sums which had been advanced upon that account?—They did.

You stated, that you directed stock to the amount of 7,000*l.*, 3 per cents to be purchased for Lord Melville; was that purchase made by any directions from Lord Melville of 7,000*l.* three per cents?—It was made without any directions from his lordship.

How came that purchase to be made without any directions from Lord Melville?—I made it in the general management of Lord Melville's affairs; I believe a sum of money had come into my hand at that time for his lordship, and I thought it was proper to invest it in some manner to produce an interest to his lordship.

Is it to be understood, that funds had come into your hands, which before that time had been carrying a productive interest to Lord Melville?—I believe they had, either previously or a few days afterwards; one of the payments was I think upon a bill, which might not have been due upon the very day I made the purchase, but I believe the bill had come into my hands previous to my making the purchase.

Was any precise communication ever made to Lord Melville, respecting the mode in which that purchase had been made, or any particulars respecting it?—I probably mentioned it, when I presented my accounts to him; but I do not recollect any particular conversation that I had with his lordship on the subject.

You have stated that Lord Melville indignantly rejected the offer of applying the public money to the purchase of India stock, and you then proposed to furnish him with the money, by procuring it of a relation?—I did.

Was that relation's name mentioned to Lord Mel-

ville?—I mentioned my relation's name; it was Mr. Montague Lind.

Was any security ever demanded of Lord Melville in respect to the loan that had been made for that purchase of stock?—None, because I had represented to his lordship, that I thought I could procure it on the security of the stock being vested in the person's name of whom I should borrow the money.

Was the stock after its purchase transferred as a security to cover the money that was advanced for the purchase of it?—It was not in fact, it was invested in Mr. Lind's name for my account.

Did it ever stand in the name of Lord Melville?—It never did.

At first you stated, that the amount of the interest for the money borrowed for this purchase exceeded the dividend?—I believe it to have done so.

When that was the case, was Lord Melville charged with the difference?—He was regularly charged with the interest, and got credit by the dividends whatever they were.

Then at that time was he not an annual loser by the purchase of that stock?—I believe his lordship to have been so, inasmuch as the interest exceeded the dividends.

When this purchase was made of East India stock, whether the prospect was an immediate rise, or that in the course of time it would rise?—His lordship certainly alluded to a distant prospect, from the progressive state of the affairs of India towards prosperity.

Whether Lord Melville ever knew that the person who advanced this money was any other person than Mr. Lind, until after the publication of that fact in the Tenth Report, or from the late inquiries?—I never thought it necessary to inform his lordship of it, and I have no reason to believe that he ever knew it.

Have you the least reason to believe that Lord Melville knew or supposed any part of that advance to be public money?—I have no reason whatever.

You spoke to two sums, one respecting Sir William Forbes and Co., the other to Mansfield and Co.; the

one of 2,000*l.*, the other of 3,300*l.*, have you any recollection of the funds, from whence those two sums came, or any thing respecting them?—I have none whatever, excepting what I gather from an examination of Mr. Coutts's books, from which I see that they were advances from his account, and from my own letters.

Have you any reason to doubt, but that the payments made upon that subject were repaid out of the private funds of Lord Melville?—I have no reason to doubt it; as there were frequent payments subsequent to that, and they went in reduction of the general account in which those sums were included.

You were asked whether Lord Melville at any time imposed any restrictions upon you with respect to the quantums of your drafts from the Bank, or specified what were to be the limits of them under either head; it is wished to ask, whether my Lord Melville ever said any thing to you upon the subject?—Never; the subject was never mentioned.

You were interrogated respecting a million of money that was once drawn from the bank; was that circumstance known to Lord Melville?—I am persuaded I never communicated the circumstance to Lord Melville; whether he may have learnt it from other quarters or not, I do not know, as I never made any secret of it, but mentioned it frequently.

What was that drawing of money to that large amount?—It was the amount of several months navy bills that were directed to be paid off at the time, for which a sum of upwards of three millions was issued to me upon one particular day, and I chose to draw one million from the Bank, and put it into the hands of Coutts and Co. in order to accommodate the bill holders at the west end of the town; and when the bills were presented a few days afterwards, and which intermediate time was necessary, from the business of the Navy Office, in which they calculated the interest upon those bills when they were presented, I drew as the bill holders preferred my drafts upon Coutts' bank in discharge of their bills, or upon the Bank.

How long was it before it was all paid away?---I

think it was five or six days before the interest was calculated at the office, and all arrangements made, before the bills began to be presented; but after they began to be presented, I fancy it was paid as close up to the balance as other payments of the navy, in the course of a very few days afterwards; there is always a sum that remains unclaimed.

Have you been much conversant with figures, and made them much the subject of attention?---I have.

Was not the whole business of the accounts, both of the office, and all the private accounts of Lord Melville, left entirely in your management?---The whole of the public accounts were left entirely in my management, and such of his private accounts as were put under my management.

You have been asked as to your own use of the public money removed from the Bank to Messrs. Coutts; you are understood to say that you made use of it in point of fact for your own benefit?---I certainly made use of that part, which I found was not likely to be claimed, for my own profit.

In what mode was that made use of?---Generally by lending it at interest; at other times by investing it in exchequer or navy bills or other government securities.

Was that to a very considerable amount?---It was.

Were the whole profit and emolument derived from that mode of laying out the money, which you have described entirely you own?---Entirely.

Was any intimation or knowledge ever communicated to Lord Melville of the public money having been so used?---I never made any such communication to Lord Melville.

Whether, during the period that you have spoken of having acted as paymaster to Lord Melville, and while those transactions were going on, the public service of the navy at any time suffered the smallest loss, disadvantage, or interruption, in consequence of the transaction you have spoken of?---I do not know any instance wherein the public have suffered any loss, obstruction, or delay in the public payments, from the use that has been made of public money, or

the manner in which I kept my balances elsewhere than in the Bank.

Was the public money at all times safe, and were proper securities taken for it at all those times?---I believe it at all times to have been so.

Was there any one circumstance happened, during the period of Lord Melville's executing this office, that should have called his attention from any interruption the public service received during any part of the period, to the use that was making of the public money?—I never heard of any.

Whether, during the period of Lord Melville's executing his office, sums, to the amount of a hundred and twenty millions, did not pass through his lordship's hands, or through his office?—More or less, I believe so.

During all that time, was there a loss sustained by the public, or any impediment suffered by them of one single farthing?—Not in consequence of the transactions wich have been particularly alluded to, to the best of my recollection.

You spoke of some regulation approved and adopted by Lord Melville; were those regulations calculated to increase the balance in the hands of the paymaster or treasurer, or directly the reverse?—I do not think they had any influence either one way or the other; it was merely a different mode of making up the accounts.

It is meant those regulations that were made by which seamen were enabled to make allotments for the maintenance of their families in their absence, or to facilitate the receipt of money due to them?—Whether regulations to that effect were not made, and whether the effect of them did not tend to reduce, and not increase the balances?—Certainly; I thought the learned counsel alluded to the regulations I proposed to his lordship in 1782.

At what period in 1802 did Mr. Bathurst alter the mode of making the payments in future?—I am not able to state that.

Was it in June?—I do not know.

Whether that alteration was not entirely made to ob-

viate any inconvenience of a similar nature in future, before any inquiry had taken place before the commissioners of naval inquiry; whether the evil was not remedied before that inquiry?—I believe it was.

Has that course been continued ever since?—It has, to the best of my knowledge.

What is that remedy which has been adopted?—That the money shall remain in the bank until wanted for payment, as nearly as possible.

Is the money remaining in the bank to be written off from one account to the other account?—Instead of drawing the money to Messrs. Coutts' house, and issuing to the sub-accountants from that account, the money is made over to one of the sub-accountant's account at the bank, and he draws himself upon that account. The whole difference is, that the money remains in the sub-accountant's account at the bank, instead of the sub-accountant's account at Messrs. Coutts.

Does it then in consequence of this alteration become a private account, kept with the bank with each sub-accountant, when a certain account is written off to the credit of the sub-accountant?—I believe that the accountant has a perfect controul over the account; I do not know what constitutes it a public account, further than being kept in the bank.

Then after the credit is written over from the treasurer's account to each sub-accountant's account, each sub-accountant has the power of drawing out the money as he shall want it, or as he shall think fit?—He has as much the controul over it as he had when the money was put into his name in his account at Mr. Coutts', as far as I understand.

If no permission had been given at all of drawing from the bank to Coutts's bank, as a place of temporary deposit, whether all the same use might not have been made of the public money, by drafts in the same way at the bank?—Certainly, but it might have been considered a greater dereliction of my duty.

Whether the same use might not have been made of the public money being laid out for private benefit, without its reaching in the intermediate transit of it

any private bank?—That is exactly the question I answered before, that I think it might be made use of in exactly the same manner, but that if I had done so, I think it might be considered as a still greater dereliction of duty.

Whether the small payments that are daily made in this great department, the navy department, can be made any otherwise, than by cash in the hands of the sub-accountants?—I do not apprehend it to be possible; and I am told the present treasurer attempted it, and could not carry it into execution.

Is the amount of those payments, and the number of them that are daily made, such as could not with any possible practical convenience be made by drafts upon the bank?—It certainly could not be done by any means in my opinion.

How low in point of value do some of those payments go?—Certainly as low as one shilling, some of them.

Are they very numerous under 10*l.* or 2*l.*, or even 1*l.* in value?—I believe there are many thousands made monthly lower than 10*l.* and even lower than 2*l.*

State as nearly as you can, as to what was the average amount of money due to the payees of assigned bills?—I never had occasion to make a calculation of the average, excepting once, and then I was assisted by the then treasurer of the navy, Mr: Canning, and we found it averaged for a considerable number of years, about 143,000*l.*

What do you mean by a balance of that nature being due to the payees of assigned bills?—It is the amount of bills, which the several boards have drawn upon the treasurer of the navy, and which have been put into the hands of the persons who are entitled to receive them, but who have not demanded the payment of them; the treasurer in that situation stands exactly in the situation of a banker, in which a balance accrues in consequence of unclaimed demands upon him.

When bills are drawn upon the treasurer, is the list of the bills so drawn communicated to the treasurer?—A list is sent from the board of the bills which they

assign upon the treasurer for that day, by which the treasurer understands he is to be prepared to make payment of bills to that amount; but bills to that amount seldom or never come in all together, the whole amount is not generally presented for some time, by which means an aggregate balance is formed and created, which lies unclaimed in the treasurer's hands.

From the moment that list is communicated to the treasurer, is it the course of the office to credit his account or the amount of the bills that are so drawn?—It is the course of the navy office, and of the different offices whose boards draw upon the treasurer of the navy, to give the treasurer credit for the full amount of those assignments.

Are those bills payable at sight, the instant they are presented?—They are, excepting the ninety day bills, which are never presented till the day they are due.

Are all the other bills payable to the payees at sight?—They are.

Is it competent to them to call and receive money whenever they think fit?—It is.

If any delay takes place, or any balance remains unclaimed for any period of time, is that entirely the act of the holders of the bills?—It depends entirely upon the holders of the bills, or upon other causes not dependant upon the treasurer of the navy.

Is the fund that is thus assigned considered as reserved for their use during that interval?—I understand that admits of different opinions; it is certainly my opinion that it is the property of the holders of the bills.

From the moment the list is received of the bills assigned, you are understood to say, that the treasurer must be ready to satisfy them when called for?—He certainly may be called upon. I beg to explain, that I have said, there never has been any delay of a payment of a navy or victualling bill, but there is another description of bills, which are not called navy or victualling bills, which I did not advert to at that time. All navy or victualling bills are drawn assignable out of a certain sum of money received at the exchequer;

as long as that fund lasts the bills are drawn from that fund; but there is another description of bills, not to a great amount, which are drawn upon the general fund of wages, without specifying any particular sum; and when the fund under the head of wages has been low, the navy board have thought proper to desire the treasurer to cease making payments of those bills until a supply under the head of wages should be received from the treasury.

Does that delay in any respect proceed from any act either of the treasurer's or his paymaster?—Not in any degree whatever.

You have been asked, upon drafts made in the name of the Right Honourable Henry Dundas, Mr. Dundas, and Henry Dundas, have you discovered instances which lead you to believe that the name of Mr. Dundas was sometimes inserted when the money was not for him, nor applied to his use?—I do not recollect having discovered any such instances; they were generally to his use, or collaterally for his use.

Whether you have not found instances of money being directed to be paid in the name of Mr. Dundas, which in point of fact was not so applied?—I have found instances wherein the money was not directly paid to Mr. Dundas; but I have found no instances wherein the money was not in some measure or other connected with Mr. Dundas.

There is an instance on the 24th of July 1789, to cash paid Henry Dundas 1,764*l.* 18*s.* 10*d.*?—That was a transfer in one of my own accounts to the other; the same sum was advanced to Lord Melville in two different sums, and charged to him in my other accounts with Messrs. Coutts; so that it came doubly charged to Mr. Dundas.

Do you recollect any entry of this nature, "To the Right Honourable Henry Dundas. act of parliament account, or pay Henry Dundas account 2,500*l.*" Whether instances do not occur of entries of that kind which, in fact were never paid to Mr. Dundas, or on his account?—There are entries of that description, but they are very different from, pay Mr. Dundas; they are, pay Mr. Dundas's new account, which

means that they were paid into his new account at the bank, or paid into his first account, in which case they are paid into his first account at the bank; there his name is made use of without his having any connection with the money.

Whether there are not entries to the same effect, where it is not the act of parliament account, or the new account, but simpliciter Henry Dundas, or the Right Honourable Henry Dundas, without any addition?—I am unable to explain that, unless I knew the specific entries; I should rather apprehend that they went to the credit of his account, at the same house upon which I drew.

You are understood to have stated that release to have been executed by you in London?—Yes.

Was Lord Melville at that time in Scotland?—He was.

Were any directions given by Lord Melville as to the form that release, or any particular clause it should contain?—None whatever, to the best of my recollection.

An account has been given of your having destroyed some books of account; whether any one book of that sort was destroyed by any direction, or any previous communication of it to Lord Melville?---None whatever.

Was that circumstance ever known, to your knowledge or belief, to Lord Melville, till after the publication of the tenth report?---I do not know that his lordship ever was acquainted with it before that time; but I only speak from knowledge, because I may have communicated it to his lordship sooner. I do not recollect the particular time when I communicated it to his lordship.

Are you quite sure that it was long after the books were in fact destroyed, that the circumstance was communicated to Lord Melville?---Perfectly so.

Was the mode in which you kept your account with Mr. Coutts, and the mixture of private and public money, entirely your own act, without any knowledge of Lord Melville?---It was an act entirely my own, and Lord Melville never had any knowledge whatever

of the manner in which I kept my account at Mr. Coutts's.

Whether the destruction of the books of account by you was done in the least for any purpose of concealment or benefit to my Lord Melville?---I had not Lord Melville's interest in contemplation at the time I destroyed the books.

Had you any money transactions with Mr. Sprot?---I have had considerable transactions with Mr. Sprot.

Were any one of those transactions ever communicated to Lord Melville; or was ever the least benefit derived to his lordship from them?---I do not believe that Lord Melville ever had the smallest knowledge of my transactions with Mr. Sprot; nor did he derive any advantage from them.

State, generally, without entering into detail, whether the use which you made of that public money to your own emolument was to a very considerable amount?---It certainly was to what I call a considerable amount.

Was it a use made commonly from month to month?---It was.

You were understood before, to have stated, that the whole benefit derived from all that use of the public money that went on from month to month, was exclusively your own?---All excepting the sums which I have stated to have been advanced by Lord Melville; upon which, I do not know that any profit was made, excepting as far as I have explained.

Was not the difference between the bank balance and the official balance created by money drawn by you from time to time from the bank, for the purposes you have before stated?---The whole was included in that difference.

At the time Lord Melville went out of office in 1800, were there more balances due upon the ex-treasurer's account of 1782, the first treasurership, and the first part of the second treasurership; did they, together, amount to more than 10,000*l.*?---I think they each exceeded 5,000*l.*, consequently, they must have collectively exceeded 10,000*l.*: but only a few hundreds, it was about 11,000*l.*, I believe.

Had any part of that sum, during all that period,

been ever wanted for the public service?---Certainly not, to the best of my recollection.

Was there, to your knowledge or belief, any delay in passing the accounts of the ex-treasurers, so as to retain that balance in their hands?---There was a great delay in passing the accounts, but not at all proceeding from the treasurer or the paymaster.

What was the cause of that delay?---From the necessity of a co-operation between the clerks of the navy office and the pay office; the navy office had thought proper to withdraw their clerks from the business of making up the accounts of the ex-treasurer, in order to send them to the out-ports, and otherwise to disperse them in the current business of the office; and the treasurer found himself under the necessity of doing the same things.

Was Lord Melville, if these obstacles had not occurred, at all times ready to pass his accounts?---The passing the accounts, I understand to be the making up the accounts, which did not depend upon Lord Melville.

Whether the quantum of the balance issued to the treasurer, at any time, depended in the least upon any act either of Lord Melville or his paymaster?---Certainly not.

Was any one act, at any one period, during the whole time of Lord Melville's treasurership, done by either him or his paymaster, to augment those balances?---It was not in the power of either of us to augment the balances, by any act that we could have done, and consequently neither of us ever, to my knowledge, committed any act so as to produce that effect.

During the whole period was the actual quantum of official balance fairly and properly communicated to the boards?---The office returned accounts every fortnight to the different boards, in which the balance of the treasurer was stated, and they were regularly made acquainted with it.

Re-examined by the Managers.

Whether Lord Melville ever transacted any part of the business of the Pay Office, or gave any directions whatever concerning it? By business, is meant the official business of the payments and receipts?—I was going to make that distinction; that in the actual execution of business Lord Melville seldom or ever interfered; but he paid attention at all times to the representations of difficult cases, and proposals that were made for improving the business of the office.

Were any representations ever made to him concerning the office payments or receipts, in the ordinary course of business of the office, and not with a view to any new regulations?—In the ordinary course of the office no communications were made to Lord Melville; but in any extraordinary cases, such as I thought it was necessary to represent to Lord Melville, I did not fail to do so.

Of what nature were those cases?—There are such variety that I can scarce mention them; but if any person made a claim that he was not strictly entitled to, or that some doubt had arisen upon it, if Lord Melville was near the office, I commonly applied to him to know what I ought to do upon such an occasion.

Did you, on these occasions, submit the books of the office to his lordship?—If the cases required it I did.

Did such cases often occur?—Very seldom.

Did you ever pay any money into the hands of Lord Melville personally?—I do not recollect having done so. I may have paid his salary once, or small sums of 20*l*, but I do not recollect any particulars respecting it.

Did you ever receive from Lord Melville any money into your own hands which required a receipt?—I have received money from Lord Melville, but I do not recollect ever having given his lordship a receipt.

To what amount were these sums which so passed from hand to hand from the treasurer to the paymaster?—I have only an impression upon my mind

that I have received considerable sums from Lord Melville, but do not recollect the particulars of any.

The last question applied to payments made to Lord Melville?—I beg to have the question repeated, as I misunderstood it.

Did you ever pay to Lord Melville personally any sums of money which required a receipt from his lordship?—I do not think I ever paid any sums so large as to require a receipt, excepting that I paid his salary in one instance: I find his lordship received it, and then he would sign the office receipt for his salary.

Did he sign such an office receipt?—The whole is but a faint impression upon my mind. If I presented it for his signature, no doubt he signed it; but I do not recollect the particulars.

You stated that Lord Melville was inattentive to his private affairs; before that you stated that Lord Melville actually signed all the private accounts presented to him; did those accounts contain a history of your private money transactions? Did you give a proper account of the history of those private transactions in the accounts so delivered to Lord Melville, which he was in the course of signing?—I did.

Did Lord Melville always sign them?—I do not recollect any instance to the contrary.

Was the bond which was stated yesterday to have been given for 4,000*l.* in an early part of your connection with the Treasurer of the Navy, given up or kept by you?—I believe it was given up and destroyed. It is so many years ago, that I do not recollect exactly what became of it: I believe it was given up.

Upon what occasion was it given to Lord Melville?—From payments having been made upon that account which exceeded that 4,000*l.* in which case I did not think it was proper to keep the bond.

Was the account stated and balanced accurately at the precise time at which the bond was given up?—I believe it was not: I do not recollect that it was.

Is the court to understand, that the account current of a sum, in which account that bond applied, and

which sum formed the first item of that account, was still an open account current at the time the bond was given up?—I belive it was.

When Lord Melville gave orders or directions to you to pay money on his account, did he specify at all out of what fund that money was to be paid?—I do not recollect any instance in which his lordship so specified.

Was there any difference in the Mode of Lord Melville's application to you at the times when he wished money to be debited to him in the account current, and at the times in which he wished money to be debited to him in the chest account.

The question was objected to, by the counsel for the Viscount Melville.

Question by Managers.—Did Lord Melville ever make any distinction in his mode of application to you, when you were to debit his account in one or the other way?—In manner, I conceive his lordship did.

What was his manner or mode of speaking and addressing you at the time that you understood he wished to have money debited in the account current.

The question was objected to, by the counsel for the Viscount Melville.

The Managers for the Commons and the Counsel were informed, that to put the question whether Lord Melville ever did direct any money to be debited to his chest account, would be a fit preliminary question.

Question by Managers.—Did Lord Melville by any words, or any mode suggest, or in any way ever convey to you an intimation, that he wished a certain sum of money advanced to him, should be debited to him in his account current?—I can only speak in general terms, as different circumstances would of course attend different payments upon that account, and in speaking in those general terms, I say his lordship would probably enter into an explanation of monies which he expected to receive soon, and under that impression he requested me to accommodate him with a sum, they seldom were large sums, until such times as payments came into his hands; I only speak that in general terms.

When such request had been conveyed to you, to which of these two accounts you have stated to be opened between Lord Melville and yourself, was that money debited?—The account current.

Was there any other mode of application described in the way I before described to you, when Lord Melville wished it to be debited to any other account?—I can to this question also only answer in general terms, his lordship generally required that such a sum of money should be paid without coming to any explanation with me at all upon the subject.

Was that requisition which you are now alluding to, in the nature of a command from Lord Melville to you for that purpose?---I considered it as such.

Did you ever make any remonstrance upon the magnitude of any sum that was advanced to Lord Melville, or on his account, that was afterwards carried to the chest account?---I never did, because it never interfered with the convenience of the office, as a much greater sum than Lord Melville ever commanded under those circumstances, might have been spared from the unclaimed balances.

Did you ever hold any conversation with Lord Melville, on the situation which he held in the Navy Pay Office, expressive of your gratitude for having been placed in that situation?

Could any body have drawn the money from Coutts's which was placed there by you, except yourself, or some person vested with your special authority?---If appears to me, that this is a matter more for the determination of Mr. Coutts than myself; as I do not know what Mr. Coutts would have done under the circumstances of a person unauthorized presenting a draft.

Supposing any third person, unauthorised by you, had presented a draft for payment upon Coutts, and if Coutts had debited you in your account for such unauthorised payments by him, should you have conceived Mr. Coutts had acted honestly or properly by you?---That depends entirely upon the circumstances which had accompanied the transaction; I should certainly think that Mr. Coutts had done me a favour

by granting it to certain people under certain situations when I should have been very much surprised at it in other situations.

Could any body have received your money from Mark Sprot, Montague Lind, and others, unless vested with your special authority excepting yourself?—I conceive the same answer to apply to this case, that I have given to the case of money supposed to have been demanded from Mr. Coutts.

Could any body have had the power of selling or changing the securities taken by you for public money, unless specifically apprized by you?—Mr. Thomas Wilson had a general authority from me.

Had any other persons?—I believe not; I do not recollect any other.

Had the Treasurer of the Navy himself any given authority, vesting him with the power of controuling your private monies, or the securities taken by you on account of these private or public monies?—None.

Did Lord Melville repay the money to you with which 2,000*l.* East India Stock in 1792 was purchased, or did that money form a part of the account current between you, till the final close of that account in the year 1800; the East India Stock bought being 2,000*l.* and the purchase money 4,000*l.*?—I placed that sum to the debit of Lord Melville's account current, and I believe every man of business must know, that when payments are made upon that account current, it is impossible to say what particular sum was so paid.

Whether there was any specific sum of money appropriated by Lord Melville to the discharge of that specific sum?—I do not recollect any.

If all the money had been according to the directions of the 25th of the King, and such an improbable event had taken place as the failure of the bank, should you have considered yourself responsible for the money so left in the Bank of England, according to the act of parliament?—I should not.

And if Messrs. Coutts should have become insolvent, should you have considered yourself as responsible for the use of the sum lost by that failure?—I

confess I should, though I looked upon the circumstance impossible.

Supposing such a very improbable event as the failure of Coutts' house had taken place, had you at that time any fortune of your own, by which you might have made good such a sum?—That depends entirely upon the balance that was in Mr. Coutts' hands at that time.

Supposing the balance had amounted to 50,000*l.* had you any such probability in such a case of repaying it?—Until very late years I do not think that I had a fortune that could have made good that loss; of late years I could have made good that loss, as my fortune exceeds it by perhaps ten or fifteen thousand pounds, and no more.

When you came into the Navy Pay Office, what was your private fortune, exclusive of your salary?

What was your fortune, independent of your salary, at the time of your appointment to the office of paymaster to the treasurer of the navy?—I do not recollect accurately, but certainly not great; not perhaps exceeding one or two thousand pounds.

Have you had any great accumulation of fortune by any event independant of your situation as paymaster of the navy?—I have had considerable acquisitions by inheritance.

To what amount?—I was going to explain. It was considerable in proportion to my fortune, although it may not be so in the eyes of many people. I suppose somewhere between six and seven thousand pounds.

Is that the extent of your accumulation of fortune, independant of what you derived in one way or other from the navy pay office?—I also had an acquisition of fortune, small I must confess, by marriage.

To what amount?—I suppose about three thousand pounds.

When did this acquisition by your marriage take place?—Part of it upon my marriage in the year 1797.

When did the other acquisitions take place, or the largest quantity of them?—At the death of my bro-

thers, which was about—I am totally unfit to answer the question, from not being able to make up my mind as to the distance of time; it might be eight or ten years ago.

What might your acquisition be upon that occasion?—I inherited by one the sum of five thousand pounds.

How much by the other?—I cannot tell how much, because it came into my hands at different times.

Was it as much as five thousand pounds?—It was not.

Was it as much as three thousand pounds?—It may be, but I do not know.

Are you in Possession of any landed property?—I am.

Is Lord Melville acquainted with that fact?—I believe he is.

Was he acquainted with that fact at the time the acquisition of landed property took place, or thereabouts?—I purchased my land at four or five different times; I do not know that his lordship was acquainted with each purchase.

Was Lord Melville generally acquainted that you had become a man of landed property in Scotland?—I presume he was; for although it is not a great purchase, yet it is not so insignificant, as to have escaped his lordship's notice.

What do you conceive to be the amount of your property at this moment?—I had occasion, about a year ago, to make up a statement of my property; and at that time, I valued it at what I considered to be a very fair valuation, at about 51,000*l.* or 52,000*l.*; but it was so invested, as not to produce me an income of more than 1,200*l.* per annum.

Has the salary of the paymaster of the navy been increased considerably since you were originally appointed to it?—It has.

To what amount?—To the sum of 800*l.* per annum.

Did that increase take place before Lord Melville left the office in the year 1800?—It took place at that very time, I believe.

Did it take place at the time, or immediately after Lord Melville left the office?—I do not know whether the first payment of my salary commenced before or after.

Did it take place before the 1st of January 1800?—I believe not.

Whether drafts upon the bank of England are, in your estimation, effects as valuable as drafts upon the house of Mr. Coutts?—It depends upon who makes the drafts, I take it.

Supposing always, that the person who makes those drafts upon the one or the other has effects in the hands of that one or other person, and that he does not exceed in drawing the sum for which he has credit. Supposing you have 10,000*l.* in the bank, and 10,000*l.* in the hands of Mr. Coutts, and you were to give a draft to one person for 5,000*l.* on the bank, and to another for 5,000*l.* on Mr. Coutts, should you think your draft on the bank would be answered as readily as the draft on Mr. Coutts?—I should certainly consider it of equal value.

You have stated in answer to a question upon the cross-examination of the learned counsel, who asked you, whether the Navy pay office had been removed during your paymastership, from Broad Street in the vicinity of the bank, to Somerset Place, which is at a greater distance from the bank, what were the usual official hours, while you were paymaster, according to the common routine of business, when business began in the morning, and when it ceased in the afternoon?—From ten till four o'clock were the hours of attendance; but the payments, I believe stopped sooner.

At what hour did the payments stop?—I believe generally at two; but as I was not in the habit of making payments myself, I speak from the general habit of the office.

Do you know at what hour of the day payments cease at the bank of England?—I do not know.

Did you confine your use of the public money to such sums only as were wanted for official convenience?—I do not comprehend the question.

You stated upon your cross-examination, that the average balance of the assigned and unclaimed money was about 143,000*l.*; did you confine yourself at all times to the use of the sum of 143,000*l.* only?—I did not; that is to say, I had greater sums out of the bank, and in Mr Coutts's hands, and elsewhere.

When these sums were so out from the bank, did you always take care to have the larger part of them in the hands of Mr. Coutts for the purpose of answering official demands?—I have stated, that the whole of it, as far as I can recollect, passed through Mr. Coutts's hand; but I do not mean to say, that it remained in Mr. Coutt's hand till the payment was required.

Did you confine yourself to the sum assigned always, in drawing upon the bank for your own private Use?—I did not.

Did you ever take any pains to inquire into the average amount of these unassigned claims, before your calculation with Mr. Canning?—I cannot say I ever did.

When did that operation of the calculation between you and Mr. Canning then take place, or whereabouts?—About March last year, I presume.

On what account was that calculation made?—From the subject having become a matter of consideration with Mr. Canning.

Was it a matter of consideration with you also at that time?—I did it more to assist him in his views than having any myself.

Did you always consider the state of your account at Mr. Coutts's when you drew out money for your own purposes?—I cannot say that I did. I rather considered the balance that was in the bank, and conceiving it to be larger than would probably be demanded at an earlier period, I withdrew some part of it, and put it into the hands of Messrs. Coutts.

Has your account at Messrs. Coutts's ever been at an average below the unassigned part?—Very often; I have overdrawn Mr. Coutts's house.

Have you ever overdrawn that account?—I have.

Did you ever give a draft on the house of Coutts in

favour of sub-accountants, for a smaller sum than you have given upon the bank of England for the same sub-accountants?—I do not recollect that I ever did; but in the multiplicity of payments that appear on these accounts, I hope I shall not be urged to make specific answers to such specific questions.

Did you ever in your official situation give a piece of paper of any description, a draft upon any body, or any house, purporting to be a draft for a fractional of payment below one pound?—I do not recollect that ever I did.

Did you ever issue so low a sum in a draft to any of your sub-accountants as 10*l.*?—In arranging balances in account of the sub accountants, I may have done so, but I do not recollect the circumstance.

Did you ever issue to any of your sub-accountants a draft of so low a sum as 10*l.* for the purpose of its being immediately paid, one of the payees having an immediate claim upon that fund?—I do not recollect having done so.

Did you ever make payments to the payees of the navy and victualling bills, except through your sub-accountants?—I do not think I ever did.

Did you, when paymaster of the navy, make your issues daily to the sub-accountants?—I generally did.

At what time in the morning did you actually take your seat in the office?—I believe I was pretty punctual in my attendance at the office at the office hour, at ten o'clock.

Did the sub-accountants upon your taking your seat come with the balances regularly to you in the course of the office, with signed lists, coming from the navy board for each day?—They generally did so, but not uniformly.

Was it their ordinary routine of duty so to do?—It was.

Was it the practice of the paymaster at that time to issue to the sub-accountants drafts for the whole of the money which might be claimed under the assignment and list which was so sent from the navy office?—I generally issued the full sum, unless I found

that the cashier had a balance in his hand by which he could assist that payment.

Did you learn from the practice of the office, what was likely to be the demand upon the assignments which might be claimed, and a list of which was presented to you, and regulate your practice accordingly?—I did.

Did you continue in your office liable to be called upon by any sub-accountant, to whom you had not issued a sufficient sum in the morning, till the hour at which the payment ceased in the navy pay office?—I either remained myself, or left some person authorized to carry on that part of my duty.

Did you, after Mr. Bathurst had directed the removal of money from Coutts's to the bank, continue to regulate your practice and mode of payment by the same practice?—It does not strike me, that there was any considerable deviation, excepting granting a fuller sum in the morning than perhaps I should have done if the account had remained at Mr. Coutts's, where I could have recourse to a second supply more easily.

Could you not have had recourse to a second supply, by drawing upon the bank as much as if the money had been at Mr. Coutts's?—I could not.

For what reason?—From the distance between the bank and the pay office.

Did any interruption or hindrance take place to the business of the office, after the money was carried back from Messrs. Coutts's to the bank?—I foresaw that a hindrance might occur, and I took care to obviate it, by granting the balances fuller than I might have done, had it remained at Mr. Coutts's.

Was any payee ever delayed for a moment by the money being at the bank?—I do not recollect any instance of it.

After the money was restored to the bank by the direction of Mr. Bathurst, were the drafts upon the bank drawn by you in the same form during Mr. Bathurst's treasurership? were the drafts upon the bank precisely in the same form as those drafts had been by which you drew money out of the Bank of

England and placed it at Mr. Coutts's?—I believe they were.

Now with regard to the 7,000*l.* three per cent. reduced stock, you stated that you had received a sum of 4,000*l.*, on account of Lord Melville, and to his credit, which you thought proper, without directions from Lord Melville, to invest in stock for Lord Melville's interest; at the time you received that 4,000*l.* on Lord Melville's account, with which you purchased 7,000*l.* three per cent. reduced annuities for Lord Melville's benefit, what was the state of Lord Melville's chest account? on which side was the balance?—I do not recollect that I ever specified that I had received a sum of 4,000*l.* under such circumstances.

You stated yesterday upon your cross-examination, that when you purchased 7,000*l.* three per cent. reduced annuities for Lord Melville's benefit, that that was an occasion upon which you received 4,000*l.* upon Lord Melville's account, either from Scotland or elsewhere; now it is wished to know whether, at the time you so took upon yourself to purchase stock for Lord Melville's benefit, the chest account in the first instance was or was not in favour of Lord Melville?—Would your lordships wish me to answer that question before I have ascertained whether I made that answer.

The former questions and answers were then read,

Now it is wished to ask at the time these valuable effects of Lord Melville's came into your hands, in what state did the two accounts between yourself and Lord Melville stand; and it is wished first to point your attention to the chest account, which you in every instance have stated to be against Lord Melville?—I hope your lordships will excuse me in reverting to what I said before, that I do not find that the sum of 4,000*l.* was specified.

Was it not a 4,000*l.* from Mr. Cameron?—I do not recollect the circumstance.

When any sum of money, which you designated in the way you did yesterday, came into your hands, with

which sum, unspecified as to the amount, a certain sum of stock was purchased, was Lord Melville's chest account in his favour or against him?—I believe the balance of the chest account at that time stood against his lordship.

Did the account current generally, or usually, or for the most part during the time it was open, stand against Lord Melville?—It did; but I do not know whether it did at that time or not.

You stated yourself yesterday to have been at times holder of navy bills during the time you were paymaster of the navy; I am now referring to the security of the public money in your hands: were you at any time, during the time you were paymaster of the navy, a holder of a certain quantity of navy bills?—I have held navy bills during the time I was paymaster.

Do you recollect that you were holder of a certain quantity of navy bills at the time when they fell to a discount?—I believe I held navy bills at the time they came to a discount.

Did you borrow a sum of money, for the purpose of making official payments at the time that navy bills were so at a discount, that you might keep those bills unsold?—As I conceived it to be immaterial whether I paid the public drafts by money taken out of one pocket, or taken out of another, I certainly borrowed money at the time that I found I could not sell my navy bills without a loss.

Did that fact take place, that you made that loan?—I have reason to believe it did, although I do not distinctly recollect it.

Had the sub-accountants of the navy pay office accounts at Messrs. Coutts, at the same time that you had your account as paymaster of the navy?—They had.

Was it with your approbation that they had such accounts?—It was.

Was it also by your recommendation that they had those accounts?—I believe in most instances it was.

Was it by your direction or solicitation that they had those accounts?—I beg to make a distinction between direction and solicitation.

By your solicitation?—I very probably might solicit it, but not in very humble terms; I mean to say that I did not insist upon it.

Did any one of them express a reluctance to transferring his account, or any part of it, from the Bank of England to the house of Messrs. Coutts?—I do not recollect that they did; Mr. George Swaffield has told me that he did, but I do not recollect it.

You stated yesterday, upon the cross examination of the learned counsel, that when the million of money was placed in the hands of Messrs. Coutts, that it was for the purpose of accommodating the payees at the west end of the town: when the million was placed at Mr. Coutts's for that purpose, were the payments made by your own drafts on Mr. Coutts to each individual payee, or did you issue your drafts to the sub-accountants as usual, and the payees resort to them as usual for payment?—I stated that as one of the objects that I had in view, but I carried on the payments in the same manner; I transferred a sum of, I think, 400,000*l.* in a few days to one accountant, and 400,000*l.* to another, to their accounts at Mr. Coutts's, and they paid the payees of the bills by their own drafts upon their own accounts at Mr. Coutts's.

Was there any difference as to those specific sums, or was it not carried on in the same manner as the other accounts between you and the sub-accountants?—I do not know any other difference, except in the great hurry which took place, which always rendered more arrangement necessary.

Did that arrangement go to supersede the ordinary routine of the office with the sub-accountants?—It did not; and I do not know that the ordinary routine was interrupted at that time.

When Mr. Bathurst gave directions to you as paymaster to remove the cash from Mr. Coutts's to the bank, did you remonstrate upon that subject?—I never made any objection to Mr. Bathurst's orders, but I certainly took the liberty to argue upon the subject.

Did your arguments prevail with Mr. Bathurst?—They did not.

Had you ever any discussion of the same sort with Lord Melville as that which you had with Mr. Bathurst?—I do not recollect ever having had any such discussion.

When a draft was drawn upon the house of Mr. Coutts, the produce of which was to be paid into the public cash at the bank, was not there always a distinguishing mark, such as A. P., Act of Parliament account, or some other, by which you could distinguish, when referring to your accounts, that such draft was made for a public purpose?—I do not know of any such mark.

You were cross-examined by the learned counsel yesterday as to a particular mark on one of your drafts, of A. P. or something of that sort?—One of the accounts of the treasurer of the navy is designated act of parliament account; and when I drew a check payable upon that account, I would say payable to act of parliament account: but it does not follow that I applied it to a payment on account of the act of parliament account, though I gave it that name.

Was that money so drawn by you from Mr. Dundas's act of parliament account specified upon it money which you meant to apply to your own private emolument?---I did not: every particular sum that is drawn there is attended with particular circumstances, and I can give no general answer to that general question.

The learned counsel yesterday cross-examined as to the accounts being kept up by the ex-treasurer of the navy, and so forth: whether to your knowledge you knew there was, during the treasurership of Lord Melville, an accountant's branch established in the navy pay office?---I do.

Was that done during the treasurership of Lord Melville?---It was.

Did that branch continue its functions uninterrupted from the moment of its appointment?—I believe it did until it was found necessary to remove a great number of clerks belonging to that branch to a dif-

ferent branch of the office, to carry on the current business of the office, which was greatly augmented when the war began.

When did the interruption to this branch of the accountant's business take place?—Many years ago, but I cannot recollect the precise time.

Do you recollect how long it went on in the due execution of its office?—I do not precisely recollect, but I suppose several years.

Do you recollect when it was first discontinued?---It has been discontinued many years; but there was an absolute necessity for discontinuing it; it was done after to several consultations and conversations with the navy board, and was not a suggestion of mine or of the treasurer.

Was it first discontinued on account of any suggestion to the navy board, or in consequence of any conversations with the officers of that board?---as far as I recollect the circumstance, it was discontinued from the navy board's withdrawing several of their clerks, who were necessarily employed in the same business; and when they were withdrawn it became necessary for the treasurer also to withdraw his, as they were proceeding on a business that required their joint attendance.

Whether the increase of business in the pay office was the reason why those clerks were withdrawn; or whether it was because the business of the navy board was not able to keep pace with the business of the navy pay office?---They both occurred at the same time, because it was to send clerks down to the outports, which it was necessary to send from both offices; I found it necessary at last to direct the accountant to take upon himself a duty out of town, as he could not be employed, I thought, with equal advantage upon the treasurer's accounts in town.

Whether there, to your knowledge, existed in the Bank of England at the time Lord Melville quitted the navy pay office, a balance upon his lordship's first ex-treasurer-ship account?—Yes, I believe so; I know so.

Do you recollect whereabouts the amount of that

balance was?—The account was nearly closed; and, as far as I recollect, the balance exceeded 5,000*l.* by a few hundreds.

Do you know what became of that balance upon Lord Melville's quitting the office?—I believe Lord Melville drew out that balance.

What did he do with it when he had drawn it out?—He paid it to me; it was a balance upon the ex-treasurership; and, as I understood, at that time all ex-treasurers had a right to withdraw the money from the bank, or to do with it as they pleased, till the accounts were finally settled.

Did Lord Melville pay it to you?—He did.

What did you do with it when Lord Melville had paid it to you?—I first carried it to the credit of his account current, and then I paid it into the bank.

Into what account at the bank did you pay it, after you had carried it through your account current?—I paid it into the bank on account of balances which I had out of the bank at that time, upon the current account of the navy.

You have stated, upon your cross-examination with regard to the last balances that were paid by Lord Melville, that there were balances due by Lord Melville upon the account current; were the balances actually due by Lord Melville to you upon the account current, and the balance due upon the chest account paid to you by Lord Melville?—I believe the whole of them were paid to me.

Could you specify at all, in what manner they were paid to you?—I have considered the subject very much lately, and from that consideration I am enabled to speak.

In what manner were those balances paid by Lord Melville to you?—Having the power of selling the whole of his lordship's stocks, I directed them to be sold; and they accordingly were either sold, or else the price of the day was allowed me, and paid into the credit of my account at Mr. Coutts's. They were paid into the credit, I believe, of Lord Melville's account at Mr. Coutts's. If I had documents to speak from, I could make an accurate statement.

If the honourable manager, who is perfectly acquainted with the circumstance, will ask me upon each individual sum, I shall perhaps be able to state.

Do you recollect so far as that a sum of 20,000*l.* was paid into your hands on account of Lord Melville by Mr. Sprott?—It was paid either into my hands, or by Mr. Sprott into the credit of Lord Melville's account at Mr. Coutts's.

Was another sum, of about 30,000*l.*, paid into your hands on account Lord Melville by Mr. Sprott?—I do not think the honourable manager has stated it perfectly correct; that money was paid into the credit of my account at Mr Coutts's, being the produce of the sale of East India stock which I mentioned yesterday, by which a debt was paid off which existed upon that stock of 20,000*l.*; the surplus of it went to the credit of Lord Melville's account current with me.

What became of it after it passed through the account current with you?—I also paid that money into the bank, in liquidation of balances I had out of the bank.

Did you receive, or do you know that Lord Melville paid an additional sum of 13,000*l.*, in liquidation of balances at the bank?—That sum formed part of a greater sum which Lord Melville paid to me, to pay into the bank on his account; the other part of that sum has already been mentioned; it was 19,000*l.* of the 20,000*l.*, or thereabouts, which was mentioned before; that formed the whole of the sum, I think, that I received of Lord Melville to pay into the bank.

Is it to be understood that you mean to state, that that part of the balance which was made good by Lord Melville, was made good in the following manner, 20,000*l.* or thereabouts, from Sprott; 30,000*l.*, or thereabouts, from Sprott; of which 20,000*l.* went in liquidation of the debt due for the East India stock mentioned yesterday, and the balance paid into the bank account after having passed through your account current; and the sum of 13,000*l.*, or thereabouts, which was advanced in

some other way, added to which is the ex-treasurer-ship account of 5,000*l.* and upwards?—I believe the honourable manager has stated them correctly, as far as I can follow him.

The learned counsel cross-examined the witness yesterday as to all the receipts of the witness on account of Lord Melville, from various sources and remittances from Scotland and elsewhere; when you spoke of the balances due by Lord Melville upon his accounts, do you mean to say that before those balances were struck, all those remittances, of every description, were always carried to his credit; did you in fact always give Lord Melville credit for every thing you received on his account, when you summed up the account?—I gave Lord Melville credit, in one or other of his accounts, for all the sums he paid into my hands.

That came into your hands in any way?—I did, as far as I recollect.

Do you know any one instance where you did not credit Lord Melville as an honest man ought to do, for the money you received on his account?—His lordship was most undoubtedly credited; but if a sum of money had been paid into my hands, with directions to pay to himself again, those are the exceptions.

Those sums you have last specified never came, I suppose, into the account at all?—If such a circumstance ever existed, but I do not recollect that it ever did.

You stated yesterday about a loan from the house of Mansfield, Ramsay, and Co., that had been advanced to Lord Melville, and a payment which was made by your direction; after having refreshed your memory by a written document in your own handwriting, of the date at the time when it was made, I ask whether you made such payment without any direction given by Lord Melville at all?—I stated yesterday that I had lost all recollection of the transaction whatever; but I can certainly state that I could not have made it without Lord Melville's directions.

The question asked by the learned counsel was, whether, upon that occasion or upon any other, Lord Melville ever directed you to lay out any part of the public money in your hands, for the use and benefit of Lord Melville; to which the answer was, you never did under the specific name of public money, or any money bearing that description; whether you received any directions in any way from Lord Melville, which led you to know that Lord Melville meant the public money; that Lord Melville knew that it was public money which was to be so paid?—I cannot swear so.

Did you receive such directions from Lord Melville as you have specified, which directions led you to debit Lord Melville in the chest account, and do you know that Lord Melville meant those directions to be for public money?—I did not know it.

Did you always use public money when such order was given?—I request the order to be more particularly described before I can answer the question.

That sort of order which you described in the early part of your examination to-day to be more in the nature of a requisition than a request, which induced you to debit him in the chest-account; did you always consider such a request as an authority for using public money?—I have already said, that I have placed them to the debit of that account.

Did you in that case always debit it to the chest-account?—I have already stated, that that was the distinction I made, and I always did it of course.

Did Lord Melville ever make any enquiry of you after the indignant refusal which he had given to the proposition made by you to him to employ a certain sum of money in the purchase of East India stock, upon which you were cross-examined yesterday; did Lord Melville, when he either requested or required money to be advanced to him by you, did he ever ask you in any one instance, whether your own private funds would supply that source?—I do not recollect that his lordship ever did. As to enquiring into the particular state of my own private funds, I do not think Lord Melville ever did.

Did he ever make any enquiry of you, whether in making such advances you were trenching upon the public balances?—He never did.

You stated that the chest-account was regularly delivered to Lord Melville?—It was, at different periods, but not so frequently as I delivered the account-current.

Were any objections ever made by Lord Melville upon your delivering the chest-account to him?—Lord Melville never examined my accounts, in my presence, so minutely as to enable him to make objections.

Did he ever in fact object to them?—He never did.

Do you know any instances in which Lord Melville did not sign the chest-account, after you from time to time had delivered that account to him?—I do not recollect any instance in which his lordship refused to sign the accounts.

Whether the duplicates of the accounts presented by you to Lord Melville were left with his lordship?—They were.

Of both the chest-account and the account-current?—They were.

Whether it is not in evidence, that the money with which the loyalty loan was purchased was transferred from the current-account to the chest-account?—The money which I advanced upon the loyalty loan was.

There was some cross-examination as to the dividends of the East India stock, whether the excess of the interest above the dividends was not charged to the debit of Lord Melville's account?—Yes.

Are you correct, as near as you can recollect, in stating that the sum advanced for the purchase of the whole of that East India stock, advanced at different times, was, to the best of your recollection, 23,000*l.* or thereabouts?—It was, to the best of my recollection.

What is the interest, at five per cent. of 23,000*l.*?—1,150*l.*

What was the dividend upon the India stock at

the time those purchases were made, whether it was not eight per cent.?—Eight per cent.

Calculating upon 14,500*l.* India stock, what would the dividend at eight per cent. amount to?—To the best of my recollection that stock was only 13,500*l.*

Calculate upon a given sum of 14,500*l.* what would it be?—1,160*l.* I believe.

Then supposing it was 14,500*l.* there was no excess of interest above the dividend at that time; whether the dividend, during the time it was in the possession of Lord Melville, was not advanced from eight per cent. to ten and a half per cent.?—It was advanced to ten and a half per cent. but that was several years afterwards.

What would the dividend amount to annually upon 14,500*l.* India stock, at ten guineas per cent.?—I believe 1,522*l.* 10*s.*

It was stated upon your cross-examination, with regard to the salary of Lord Melville, that it had been brought to your recollection, that there were one or two instances, in which you had not received the salary of Lord Melville; but that Mr. Wilson had done so. When that salary was so received by Mr. Wilson, was it as agent to you or as agent to Lord Melville?—I believe he received it as agent to myself, as it was placed, I believe, in most instances, if not in all, to the credit of my account, at Mr. Coutts's in the first instance, and afterwards transferred by me to the credit of Lord Melville's account-current with me.

A good many questions were asked upon cross-examination with regard to power of attorney given by Lord Melville to sell and transfer stock, and receive the dividends: it is wished to know whether this power of attorney for the sale and transfer of stock, and receipt of dividends, was in the usual and common form of such powers of attorney?—I know nothing to the contrary; but I do not know that I ever saw them: I fancy they were taken by my banker, but I do not know: I certainly never read them.

Do you recollect any particular instance; and this arises upon the cross-examination with regard to the 2,000*l.* India stock?—Do you recollect a desire ex-

172358

pressed on the part of Lord Melville for the advance of money, by you, to comply with any particular purpose, such as the purchase of 2,000*l.* East India stock, at which time your account was so low at Messrs. Couttss's, that you were obliged to withdraw from the bank a specific sum to comply with that request?—Upon looking into Mr. Coutts's books I find a circumstance of that sort may have occurred, but I do not recollect the circumstance myself: I cannot speak from my own recollection.

As you were a good deal cross-examined too with regard to the state of the balances in and out of the bank, whether by any information upon which you can depend, or by any recollection that you have, or in any way, you can state to the Court what the difference is between the bank-account and the office-account, was at any time or times during the time you were paymaster of the navy under Lord Melville?—I cannot state it from memory.

Could you, by consulting any document, swear to that fact?—I have got documents in the hands of the honourable managers by which I think I can ascertain it.

I wish those books and documents to which the witness refers, to be put before him:

Question from a Lord.—What are those documents by which, if you refer to them, you shall be able to give that answer?—They are books which I kept as checks upon the public accounts, but no part of the public accounts; I believe they are called balance books.

Were this book lying before you, and the others to which you have referred, kept by yourself when you were paymaster?—The greatest part does appear to be kept by myself.

Is any part of that book in your own hand-writing?—It is.

How long did you continue to write in those books with your own hand?—I cannot state that with any accuracy; but I have wrote very little in them for many years, having been deprived of the use of my hand, from which I cannot write.

When you ceased to be able to write yourself, who kept the books for you?—Principally Mr. Thomas Wilson of the pay-office.

Have you examined these books so written by Mr. Wilson?—I have bestowed upon them all the examination which I have thought necessary.

From those books can you speak to the account?—It depends upon the questions that may be asked me from these books.

The question is to a particular period, the 31st August, 1786: What was the outstanding difference at that time in the navy pay-office? Do you know what, on the 31st of August, 1786, was the difference between the office balance, or that with which the treasurer was charged, and the bank balance?

Question by a Lord.—Is that a public official book that lies before you?—No, it is my own private book, which I kept as a check upon the office.

Question by the Managers.—Can you speak from your own knowledge, whether, on the 31st of August, 1786, there was a difference of 56,000*l.* between the office balance and the bank balance?—I cannot state it from this book; I must have also the concurrent testimony of books kept by the bank.

This book we can prove by the bank clerk that is here, to be one of the banking books of Lord Melville?—I can speak with more positive knowledge further on.

It is asked, as to the 31st of December, 1787, whether you know that the difference at that time was 53,000*l.*?—I have already stated, that I must have the concurrent testimony of the bank books; and I wish to give a little explanation upon this account before I speak upon it, if I have your lordship's permission. The treasurer's balance, which was returned at the end of this month, as well as all other months, consists of balances in three different branches of the office. Each of these branches are subdivided; part of the balance in each branch is in the hands of the treasurer and his paymaster, for the purpose of issuing further sums to the sub-accountants for the carrying on the public payments; and the other parts of it

have already been issued to the sub-accountants, for the purpose of carrying on the public payments; that applies to that part which remains in the treasurer's hands, for the purpose I have described, of the three branches collectively.

It is asked as to the aggregate of what ought to be in the hands of the sub-accountants and treasurer, and then state what is the difference between that and the money in the bank?—The honourable manager wishes me to state that part of the balance which the first clerk of each branch calculates, by finding out the balance of the sub-accountants, and what ought to be in the hands of the treasurer: that may be accurate or not accurate, as the balance he states to be in the hands of the treasurer may be accurate or not accurate; and the balance he states to be in the treasurer's hands may be stated without his knowing it to be so.

State the difference between that which is neither in the sub-accountant's hand nor in the bank, but in yours?—On the 31st December, 1787, if the sub-accountant's were right in making up their balances, there was a difference of 53,100*l.* between the sum which the first clerk said ought to be in the treasurer's hands, and the sum which was in the bank.

Now refer to the 31st of May, 1788?—Will your lordships allow me to speak from this account in my hand instead of the book?

Question by a Lord.—What is that paper?—An account I have collected from an examination of the books and the bank books.

Question by the Managers.—Do you know that upon the 31st of May, 1788, there was a difference in the way I stated before of 61,600*l.*?—There appears to be such a difference.

Question by a Lord.—Is that subject to the same explanation that you made of the former entry?—It is.

Question by the Managers—Refer to May 31st 1790, was there not then a difference, subject to the same explanation of 64,800*l.*?—The statement is accurate.

Refer to the 31st March, 1792; whether there was not a balance of 102,388*l.* 9*s.* 8*d.*?—There appears to be that difference.

Refer to the 31st October, 1793; whether there was not the sum then of 115,000*l.* difference, subject to the same explanation?—There appears to have been that difference existing at that time.

Refer to the 30th of April, 1794; was there not then 161,425*l.* 17*s.* 9*d.*?—That appears also to be correct.

Refer to 28th of February, 1795; was there not a balance of 209,875*l.* 17*s.* 9*d.* subject to the same explanation?—There was.

Refer to the 30th of April, 1795; was the balance then 310,325*l.* 17*s.* 7*d.*?—The account which I hold in my hand differs two-pence.

It is 17*s.* 9*d.*—That is right.

Refer to the 31st of March, 1796; was not the balance 194,500*l.*?—That appears to be correct.

On the 29th of February, of the same year; was it not 216,841*l.* 14*s.* 2*d.*?—That also appears to be correctly taken from these books.

On the 30th of June, 1797, was it not 281,759*l.* 5*s.* 5*d.*?—That appears to be correct.

On the 30th of September, 1798; was it 222,500*l.*?—That appears to be correctly taken.

On the 30th November, 1799, was it 223*l.* 0*s.* 2$d\frac{1}{2}$.?—That appears to be correctly taken also.

On the 30th of April, 1800, the month preceding Lord Melville quitting the navy pay-office, was there not the sum of 344,500*l.*?—There appears to have been that difference between the books.

It is wished to recall your attention to 30th of December, 1790; was not the balance then struck, and no difference appear?—The balance was struck, and no difference appeared; but some explanation may be necessary upon that.

Question by a Lord.—Give that explanation?—That this balance may not actually have been paid up in the bank books, I have taken into the balance the drafts I may have drawn upon the bank, and which might not have been presented; I do not know whether there were any such, but if there were, it was taken into my balance.

Question by Counsel.—Whether any part of the sums stated to be drawn and carried to the chest-account of Lord Melville, was in the whole or in part applied to the use of Lord Melville, or he had any benefit or emolument from them?—I am totally ignorant of the application of them, excepting in the case of 40,000*l.*, which had been advanced to Boyd and Benfield, and which I only learned from what passed in public.

Is that 40,000*l.* comprehended within the head just mentioned, of money drawn by requisitions, and carried immediately to the chest-account?—It was, and may serve to shew the nature of the requisitions that were made, from that sum of money having been made more the subject of public discussion than any of the other sums which have been advanced to his lordship.

Whether any part of the sums that you employed to purchase stock, or in any other way for the benefit of Lord Melville, stood in the same predicament of being immediately carried to the chest-account?—Not any of them.

You have stated, that a book of yours which you referred to, a private book of yours, was in the possession of the managers. How long has that private book been in the possession of the managers?—Ever since the day upon which I had the misfortune to meet with the displeasure of the other house. I do not recollect the date.

Question by the Managers.—Whether you have any knowledge of your own, with the exception of that posterior knowledge you have gained with regard to the application of the 40,000*l.*, do you know any thing of the application of other sums?—I have no knowledge whatever of the application of them.

Are we correct in supposing that the loyalty loan money was transferred from the account current to the chest account?—It was.

Whether Lord Melville was not credited for the dividends upon the loyalty loan up to the period at which that loan was sold?—I believe he was.

Examined by the Lords.

Having stated that Lord Melville, from time to time, signed those accounts, which you delivered to his lordship; whether he compared upon these occasions the accounts he so signed, with the vouchers?—I do not recollect his ever comparing them, whilst I remained with his lordship.

Were those accounts you have been speaking of generally signed by Lord Melville immediately that they were presented by you, or did his lordship take the accounts home with him for consideration?——They were signed before I parted with him.

You stated that no item in these accounts had been ever objected to by the noble lord: was it the habit of the noble lord to enter into any discussion with you upon the several items of the accounts?—The items of those accounts were so numerous, that I have no doubt but his lordship may have made observations upon some particular instances, but I do not recollect them.

Do you consider the accounts having been so signed by Lord Melville, as a proof of his lordship's approbation of the account and the particular items therein contained, or as a proof of his lordship's confidence in you?—It certainly was, in the first instance, a proof of his lordship's confidence in me, as he must have known that I was subject to alter the accounts in case he should have pointed out any error in them in future; but the public business in which his lordship was generally engaged, seldom or ever afforded him time to enter into any examination of the accounts during the time that I remained with him after having presented them to his lordship.

During the time you were paymaster to Lord Melville, did any and what circumstances of delay or embarrassment to the public business arise in that office, so as to induce his lordship to doubt the correctness of your administration, and so as to engage him to a greater attention to those accounts, or to suggest to his lordship's mind that a more attentive investigation

into the conduct of this office was necessary than had been given by his lordship?—I know of none; but as I may be supposed to speak with partiality with regard to my own conduct in the office, I should wish that question to be asked of any individual that was conversant with the business of the pay office.

At what time did you make the representation you have stated to Lord Melville, to induce him to consent to your placing part of the public money in the bank in the hands of Messrs. Coutts and Co.?—I believe soon after the removal of the business of the pay office to Somerset House from Broad-street in the city.

Did you recollect what time that was?—I believe in the year 1786 or 1787.

You having stated that the object you represented to Lord Melville to be the reason why you wished to have permission to take the money from the bank and place it in the hands of Messrs. Coutts was for more convenience and greater safety: how could you conceive that there was any greater danger, either to the treasurer of the navy, or yourself as paymaster, in the money remaining in the bank than in the hands of Messrs. Coutts?—I beg to answer that it was necessary to carry on the business of the pay office to send in drafts for very large sums, say 20,000 *l.* or 30,000 *l.* into the bank daily; that we had no clerks or confidential people we could spare for that business, but were obliged frequently to send the messengers of the office; and it may appear to your lordships that it was a necessary precaution to fall upon some mode by which we could send a messenger for money to carry on those small payments, through a part of the town which was not so crowded, and not liable to so many accidents as in the great distance from the pay office to the bank.

Then the following questions put to the witness on Monday 5th instant, and his answers thereto, were read:

"From the moment the list is received of the bills assigned, I understand you to say that the treasurer must be ready to satisfy them when called for?—He

certainly may be called upon. I beg to explain, that I have said, there never has been any delay of a payment of a navy or victualling bill; but there is another description of bills, which are not called navy or victualling bills, which I did not advert to at that time. All navy or victualling bills are drawn assignable out of a certain sum of money received at the exchequer; as long as that fund lasts the bills are drawn from that fund; but there is another description of bills, not to a great amount, which are drawn upon the general fund of wages without specifying any particular sum, and when the fund under the head of wages has been low, the navy board have thought proper to desire the treasurer to cease making payments of those bills until a supply under the head of wages should be received from the treasury."

"Does that delay in any respect proceed from any act either of the treasurer's or his paymaster?—Not in any degree whatever."

Question from a Lord.—Explain that last answer how it is that that does not depend either upon the treasurer or the paymaster?—Because they can only act by the instructions of the different boards.

You stated that you delivered two kinds of accounts to Lord Melville, the current account and the other account; were those mere copies of the accounts, or accounts made up from the accounts of Messrs. Couts's?—They had no connection whatever with the accounts of Messrs. Coutts; they are accounts between Lord Melville and myself.

Whether you know that the public sustained any loss by the removal of the money from the Bank of England to Messrs. Coutts's?—I do not know any loss that the public have sustained.

Do you know whether the public did not sustain a loss by the death of Mr. Jellicoe, and how that loss arose?—That was not a loss in consequence of having removed the money from the Bank to the bank of Messrs. Coutts.

Could that loss have happened if the money had continued to be lodged in the bank?—That circumstance could not have been affected by the money being continued in the bank.

Whether the account called the iron-chest account, was principally of a public nature?—The iron-chest account was an account of monies which were drawn from the bank and placed into the hands of Messrs. Coutts.

Having said that my Lord Melville paid a great deal more attention to accounts that were public, than to his own private accounts, what kind of attention did he pay to this iron-chest account?—Lord Melville, I do not think ever saw the iron-chest account; I beg to explain to your lordships that the iron-chest account is a different account from the chest account, which I have been speaking of.

The account you are asked concerning is the chest account, which you repeatedly in the course of your examination mentioned?—As my mind ran on the other account, I forgot the question that I was asked respecting it.

The question is, as you have stated that my Lord Melville paid a great deal more attention to accounts that were public, than to his own private accounts; what kind of attention did he pay to the chest account, meaning that account you have been repeatedly referring to, in the course of your examination?—I do not know what attention Lord Melville paid to that account when he had the documents in his own possession, but he never paid any particular attention to it, during the time I was with his lordship, when I had presented it to his lordship.

Having said that when you delivered the private accounts to Lord Melville, the accounts between you and Lord Melville, his lordship was not in the course of investigating those accounts or comparing the vouchers with them, if a complete investigation of those accounts had taken place between Lord Melville and you, would it not then have appeared that the monies in that account were monies advanced out of the public monies?—I apprehend it would.

When the application was made to Lord Melville, upon the subject of the purchase of East India stock, was any reference made to the current price of that stock, at that time?—I do not recollect any reference made to the current price at that time, further than by

a comparison to what his lordship expected would be the rise that stock would ultimately arrive at, at a distant time, that was the only time Lord Melville ever gave me his opinion upon the value of it, and at no time whatever did his lordship ever insinuate to me in the smallest degree his expectations of the rise or fall of stock, excepting in that instance.

You having said that for a considerable length of time, after the purchase of this stock, the interest of the money which was borrowed for the purchase of it, amounted to a greater sum than the dividends arising from that stock, whether any person lending money in the ordinary course of dealing by money lenders, would have considered the assignment of such stock, putting it in the name of the lender as a collateral security for the money advanced for that stock?

The question was objected to.

The question was waived.

How and in what manner was that 3,000*l.* you spoke to in your examination, repaid?—I can only recollect that it was repaid by his lordship to me, at two different times, in two different sums.

Did you give any receipt to Lord Melville for that money which you paid him?—I did not.

Having stated that in the account between Lord Melville and you, Lord Melville was credited for the dividends upon the India stock, and debited for the interest of the money lent, in whose name was that receipt put?—No name was used at all, his lordship got credit by the dividends and was debited to the interest, without any name being specified.

Supposing Lord Melville had not rejected, as he did with indignation, the proposition you made, of advancing to Lord Melville the public money, as the means of purchasing that stock, in what manner would it have been debited in the course of business?—As the fact did not exist, I have never taken it into consideration,

Would it have been debited in the manner in which it was debited?—I should not make any entry of any sort without a due consideration, and I cannot in my present situation, give it a due consideration.

You stated, that after Lord Melville had rejected the proposal that you made, to purchase India stock out of the public money, you suggested to Lord Melville that you could procure the money from your relation Mr. Lind, upon the security of that stock; that failing to procure the money, you stated notwithstanding to Lord Melville that you had so procured it, and the stock was in fact purchased, as I understand you, in the name of Mr. Lind, whether Lord Melville was acquainted with the circumstance of the stock having been so purchased in the name of Mr. Lind?—Lord Melville knew that the stock stood in the name of Mr. Lind, but I had never told Lord Melville that I had actually procured Mr. Lind to advance the money.

In the course of the transaction of the purchase of this stock between you and Lord Melville, was that transaction so conducted as if the money had been *bona fide* advanced for the purchase of that stock by Mr. Lind?—It was.

What do you mean by the iron-chest account?—That was an account that was kept in the navy pay office by Mr. Wilson and myself, in which we entered the sums of money that were taken from the bank and put into Mr. Coutts's, and *vice versa* the sums drawn from Coutts's, and issued to the sub-accounts.

What is it that you mean by chest account?—The chest account was one of those accounts which I kept with Lord Melville, upon which I had been required to advance sums of the application of which I knew nothing.

What was the first item of the chest account?—It was the sum of 10,600*l.*

Were there other advances upon the face of that chest account immediately after the opening of it?—There were others advanced upon that account, but not immediately after the opening of it.

How soon?—My memory does not serve me to state.

You have said, that in the year 1797, the advances for payment of the subscription of the loyalty loan were

transferred from the account current to the chest account; were there not many intermediate advances on the chest account?—There were more than one, but not many.

Whether on the face of the chest account delivered the half year after the transfer of the loyalty loan was made from the current account to the chest account, it might not appear to Lord Melville that such transfer was made?—It must have appeared.

You have said, that at the close of Lord Melville's treasurership, you shewed to Lord Melville the sum advanced to him from the public money; it is desired to know if Lord Melville explained to you from what sources that money was to be repaid?—I have said, that I gave a general statement of Lord Melville's accounts between his lordship and myself, and he commonly pointed out different sources from which money would arise in repayment of these sums, and which he expressed a wish to repay before he left the treasurership.

Whether Lord Melville expressed any surprize at the state of his account?—He did; he was very much surprized to find the balance was so much against him.

Having stated that you alone derived the benefit from this application of a part of the public money, whether without that application of the public money you have stated, you would have been in the condition to have made the advances you have stated you made to Lord Melville without charging any interest?—I could not, unless finding that I had not the means of augmenting my fortune in the manner I did, I might have turned my attention elsewhere, and then I might have been able to have advanced these monies.

In what year was the money placed at Messrs. Coutts's?—Either in 1786 or 1787, I do not know which; at least I believe so.

Have you any books to which you could refer, and which books would enable you to give a more specific answer to the question?—I have not, unless I speak from the books of my bankers.

Have you got those books so as to make the refe-

rence?—I can have access to those books by applying to my bankers.

Whether you did not propose to Lord Melville to draw the money out of the bank, and to place such money at Mr Coutts's?—I did apply to Lord Melville for leave so to do.

Whether all the money that from time to time you deposited at Messrs. Coutts's arose from the general permission you before spoke to?—Entirely so; and in no instance was it otherwise specifically as far as I recollect.

Whether you knew at the time that you deposited the sums of money in Messrs. Coutts's, that the act of parliament had passed a year or two years before?—I knew that an act had passed to regulate the business of the pay-office, but I do not know that I adverted to it at the instant I made the application to Lord Melville to draw the money from the bank and put it into the hands of Messrs. Coutts.

Whether Lord Melville, when you made this application to his lordship, made any answer?—He did, not to the best of my recollection.

Did the settlement of the release which contained in it the destruction of the vouchers, or delivering up all the vouchers, originate either with Lord Melville or with you?—I do not think it originated with either. I am sure Lord Melville was not consulted upon the subject at all.

With whom did that clause respecting the destruction of the vouchers originate?—It must have originated in conversation between my solicitor and myself.

Whether what passed between Lord Melville and you upon the probable rise of India stock, was in the course of official communication between Lord Melville and you; or were you sent for by his lordship?—I was not sent for by his lordship; I believe I was at Wimbleton, when I had the honour of waiting upon his lordship in his private capacity.

Whether the first suggestion upon the subject of this stock originated with Lord Melville, or proceeded from you?—It was suggested by me, in consequence

of finding his lordship wished to make some family arrangement of that sort.

Then it is to be understood that the first expression of Lord Melville's opinion of the value of India stock originated with Lord Melville, and was not suggested to Lord Melville by you?—It originated in the suggestion of myself to his lordship.

Whether the original idea of purchasing the East India stock arose from any desire of Lord Melville to be possessed of India stock, although the subsequent conversation was in consequence of what you suggested?—As it all passed in a conversation, not premeditated or sought for by either party, I am quite at a loss to say who first started the subject.

Whether the suggestion given, to have recourse to some money lender to furnish the money for the stock that was proposed to be purchased, was a part of the same conversation when it was first proposed to purchase the stock?—It was in the same conversation, and on the impulse of the moment.

Was the suggestion then adopted upon your making the suggestion?—It was.

How soon afterwards did you proceed to carry it into effect?—I endeavoured for some considerable time to fulfil what I had suggested to his lordship it might be possible for me to effect; but finding it was not so, I then fell upon the mode which I have already described, of advancing the money myself, as I was unwilling to disappoint Lord Melville of what I had so sanguinely promised him I could carry into effect.

When you had carried it into effect by that mode, did you communicate to Lord Melville that you had completed it; and how soon did you name the person who had advanced the money?—I did not say that any person had advanced the money; but I told him the stock was purchased, and invested in the name of Mr. Montague Lind, the person I had mentioned to his lordship in the original conversation.

Did you, upon making that communication to Lord Melville, receive any and what answer?—Nothing further than his approbation of its having been done.

Were the dividends upon the India Stock paid to Mr. Lind, or carried to the credit of Lord Melville? —That I have already explained.

At what period of time did you begin building your house near Edinburgh? —As nearly as I can recollect, I made a considerable addition to my house which I began about four or five years ago.

Is that house furnished?—I removed the furniture from my house at Blackheath, with which it is now furnished.

Were you ever interrogated by Lord Melville as to the expence of building this house?—The expence of building this house may not be so great as the noble lords may have heard; not so great as to induce Lord Melville to ask me any questions upon that subject.

The release executed between the noble lord and you was executed first by lord Melville in Scotland, and some few days after by you in London: Was it prepared in London under your direction, or in Scotland under the direction of the noble defendant?---It was prepared in London, and sent to his lordship to execute in Scotland.

Whether any draft of this release was sent to the noble defendant in Scotland, to be subject to his correction, previous to his execution of the deed itself?--- It was not, to the best of my knowledge; I do not know whether the solicitor might have sent it, but I am certain I did not.

Were any alterations or corrections to your knowledge made in it by Lord Melville, previous to his lordship's execution of it?---Certainly not.

Give to the court an account of the whole transaction concerning the release; and, in giving to the court the whole of that transaction, begin with stating what was the occasion or necessity for having that release at all?---The necessity originated in my wish to have all my affairs settled with Lord Melville, as I always apprehended, I hope I may be allowed to say, that his lordship was not careful of preserving his papers or accounts so as to be satisfactory to his heirs or successors, and that there might be no difficulty or argument about shewing that a final settlement had been

made to either his lordship's heirs or to my own, I was anxious that a release should pass, by which it only became necessary that one voucher should be preserved. I had proposed it some time before it was carried into execution, and my mind became every day still more impressed with the necessity of having this executed; and in some conversation with his lordship I may have proposed it again, and told him that I would forward releases for his lordship, to be signed in Scotland, if he would give me leave: but this I ſtate more from knowing that that must have been the circumstance, than from an actual recollection of the time or place when such conversation passed. I then applied to my solicitor in London to draw out a release for such purpose; and, as he was my intimate friend and counsellor, as well as solicitor, he proceeded very much from his own knowledge of my situation and connection with Lord Melville, in drawing up that release: the draft was submitted to me, as it has been brought to my recollection by the honourable managers, who have possessed themselves of that draft, otherwise I had forgot the circumstance. But I find that I had seen that draft, by several words being written upon it in my own hand-writing: it was afterwards brought to me by Mr. Spottiswoode, fairly copied out, and, to the best of my recollection, forwarded by me to his lordship in Scotland, and he returned it to me; by which the transaction was finally closed.

What do you mean by returned it?---Lord Melville returned the release signed by his lordship to me, and I executed it in London.

State what there was in the correspondence upon the subject of this release, subsequent to the time when Lord Melville left London for Scotland?---I recollect no correspondence whatever about it; nor do I believe that any correspondence ever existed.

Had you at any time been examined by the commissioners?- -I had not.

Was any person on the part of Lord Melville present at the composing that deed in London?---There was not.

What was done in consequence of that deed?---I do not recollect any thing that was done in consequeuce of that. I do not know what is alluded to.

Whether, in point of fact, any books and accounts were destroyed, or had been destroyed, either previous to, or subsequent to that deed?---Subsequent to the deed, I thought it no longer necessary to preserve Lord Melville's vouchers.

Previous to the deed?—Previous to the deed I do not recollect any being destroyed.

Question by a Lord.—Let the deed be referred to?

Then the following extract from the release before delivered in was read, and is as follows:

"And they have either mutually delivered up to "each other, or resolved and agreed mutually to can- "cel and destroy all the vouchers or other memo- "randums and writings, that at any time heretofore "may have existed, passed, or been interchanged "between them, relative to the said accounts, and "the different items and articles of which the said "accounts are composed or consist."

You having attended to the recital of the deed; state whether, as it is put in the alternative, either that they had been destroyed, or were resolved to be destroyed, whether, to your knowledge, there had been any books or accounts delivered up or destroyed previous to the execution of that deed?—I do not know it; but I believe Lord Melville seldom kept his vouchers at all; with regard to myself, I had destroyed no voucher previous to that time.

The question is, whether you had, previous to the execution of this deed, delivered up or destroyed any books or accounts referable to the subject of that release?—I had not, to the best of my recollection.

Have you, subsequent to that time?—I have, as I thought it no longer necessary to preserve them, that being the object of getting a release.

How soon after being in possession of a salary of 5001. a year, did you find yourself to be in a condition to be a lender of money?—I explained to this court yesterday, that I was put in possession of a sum of money as soon as I was appointed to the office, by which I was enabled to become a lender of money.

You have stated that you made a proposition to Lord Melville, which his lordship indignantly rejected. Did you ever make any such proposition more than that one time?—I never did.

Did Lord Melville ever allude to that proposition afterwards?—I do not recollect that his lordship ever did.

Did Lord Melville ever say any thing to you subsequent to the time of your having made that proposition, from whence you collected a supposition on the part of his lordship, that you were so using the public money?—Never.

Does the paymaster of the Navy give any security?—None.

Do you know whether, in the course of office, the treasurer of the navy takes any oath?—I believe none.

You have said, that Lord Melville was charged interest upon the money advanced upon this India Stock at the time when the interest was greater than the dividend; can you point out at what time that interest was charged?——The honourable manager has shewn that the interest very nearly corresponded with the dividend, and, consequently, no sum could be charged; but, to the best of my recollection, there was only 13,500*l.* of that stock, instead of 14,500*l.* upon which the honourable manager has calculated; in which case, the interest would have exceeded the dividend, and, of course, I debited his lordship with one, and credited him with the other.

Having stated, that you, in fact, did charge interest, that must have arisen from the interest being greater than the dividend; will that fact depend upon whether you are or are not mistaken with regard to the sum being 13,500*l.* or 14,500*l.*?—No, it may be from an error of the present moment in my calculation, because I did not debit Lord Melville with the specific overplus, but I debited him with the interest, and credited him the dividends; by which, it arose in my mind at the moment I spoke, that the interest was greater than the dividend; and, of course, from that

manner of entering the interest and the dividend, it became a charge upon Lord Melville.

Do you know the date of the appointment of the naval commissioners?—I do not.

Do you recollect when the naval commissioners issued their precept to the navy pay office for the return of their balances?—I do not recollect it at this moment.

Do you recollect at what time, or within a month of the time, when the return was made to the commissioners of naval inquiry, requiring the balances of the navy pay office?—That return was made, I believe, in the month of January 1803; but the precept had been issued many months before, I believe.

How soon was that return made before you gave directions for the execution of this release?—A very short time, I believe.

At the time you was so anxious to have this release executed, were you acquainted that Lord Melville was supposed to be in a declining state of health?—If the fact was so, I was undoubtedly acquainted with it; but I do not recollect at this moment that that weighed upon my mind.

Had the knowledge of that return any effect on your mind in procuring this release?—I believe it had.

Whether, at the time that you received permission from Lord Melville to draw the public money from the bank, and to place it in your own name, in the hand of Messrs. Coutts; whether, either at the time you received that permission, or at any subsequent time, you received any injunction from his lordship not to apply any part of that money to your own use?—I received no such injunction; but I received no prohibition; I mean, I received no permission to do so.

Whether your reason for not repeating the proposition was not the fear of giving offence to the noble lord?—I was afraid of giving offence to the noble lord; and that it would induce his lordship to relinquish an advantage which I was in hopes his lordship would ultimately derive from it.

Whether, though no such permission had been given by Lord Melville for the removal of money

from the bank to Messrs. Coutts's, you could not nevertheless have applied the money to your own use? —I answered that question yesterday, by saying, I could certainly have done so, though I might have looked upon it as still a greater act of delinqency upon my part.

You have said that first idea of a proposition of a release arose from the conversation between Lord Melville and yourself, can you assign any date to that conversation?---I believe it was as far back as our general settlement in the year 1800.

Did you, in that conversation, propose that there should be instructions and directions for the mutual destruction of vouchers?---I never mentioned that clause in the release to his lordship, nor did I recollect that such clause existed in that lease, till I was reading it over at the time the honourable manager called upon me to read it; so little impression had it made upon my mind, and so little meaning had I in desiring it to be put in.

You say that the interest fell short of the dividends; do you mean that the dividend upon the stock did not produce such a sum of money as the interest upon the money lent?—That was the impression of my mind when I spoke yesterday; but that was upon a calculation which I made yesterday, which I find, that although erroneous, is not materially so; only 10*l.*, I believe.

Were any of those accounts and vouchers, which it was the object of the release to have mutually destroyed or given up at that time, in the hands of Lord Melville?—Lord Melville delivered no vouchers to me; and I do not know whether he has destroyed them at this moment, or possesses them or not; I know nothing of them.

What was the name of that solicitor and friend who prepared this deed?—Mr. John Spottiswoode of Sackville-street.

Whether that gentleman was not generally employed in law affairs respecting Scotch property?—He was, I believe.

Whether that Mr. Spottiswoode was not a man of

considerable eminence in his profession?—He was of considerable eminence, and a most eminent character.

Whether it consists with your knowledge, that that release was drawn by Mr. Spottiswoode according to his own professional knowledge, as to what would be the right form of such a release; or whether any direction was given by you, with respect to any clauses that should be inserted in it?—I gave no specific directions respecting that clause; but, we had a conversation upon it; I am sure it must have proceeded from his advice, although I do not recollect that neither.

Whether that clause in the release, that states the consent of both parties to the registration of that instrument in the public records of Scotland, was suggested by you or by Mr. Spottiswoode?—I know so little of deeds of that description, that I did not know that such a clause was in the deed.

Whether it consists with your knowledge, that according to that clause this instrument is or is not to be publicly recorded?—I have never taken any steps towards having it publicly recorded; if it has been publicly recorded, it must have been by Mr. Spottiswoode, before it came to my hands.

Having stated that the intimation which you had received from the commissioners had an operation upon your mind, when you directed the release to be prepared, was that fact or circumstance, to your knowledge, communicated to Lord Melville; I mean the operation of that upon your mind?—I do not recollect that I ever stated any thing upon that subject to Lord Melville.

Do you know whether any other person ever stated to Lord Melville, that on account of that transaction with the commissioners, it would be expedient that such a release as this should be executed?—No such fact consists with my knowledge.

When you communicated to Lord Melville your advice that the money should be removed from the bank to Mr. Coutts's shop, had you at that time formed any intention of applying the money to private

purposes?—It is not impossible that I had made use of the public money before that time; but I had it not in contemplation, to the best of my remembrance, that this would add any facility to my doing so in future after that time.

How long was it after the money had been placed at Coutts's, that you first began to employ it in the various ways in which you have stated you did employ it for your private use and benefit?—I believe I had began to employ it before it had gone there; and I continued it after it had gone there; there was no interruption that I know of.

You have stated that it would appear from the chest account, and the account current, that the public money had been applied; and you have also stated, that when you presented the accounts to Lord Melville, Lord Melvile did not examine the accounts in your presence; did you ever call the attention of Lord Melville to the items of the accounts so delivered, as items that would shew that he applied the public money to private use and benefit?—I do not recollect that I ever did or made any observation of that nature to his Lordship.

Then, are we to understand that you being the paymaster of Lord Melville, and yourself apprized that you were applying public money for private purposes, suffered Lord Melville to take those accounts into his possession, without suggesting to him that such matter would appear from examination of the accounts?—As Lord Melville never communicated to me the application which he meant to make of these sums, I did not think myself at liberty to make any observation to his lordship upon that transaction.

Having stated that you frequently drew upon the bank beyond the amount of the bills assigned for payment, whether you ever distinctly or otherwise communicated that fact to Lord Melville?—I was not sensible at the time that I did it. I never had it in contemplation, whether I drew a greater or a smaller sum than the bills assigned for payment; I was guided by the sum which I found remaining unclaimed in my

hand, which would not be wanted without making any calculation of the sort. I did not mention it to Lord Melville, not thinking it at all necessary in the general management of the business.

Having stated that the India stock was invested in the name of Lind, was it invested in the name of Lind not only for the purpose of being a security for the money with which it was purchased, but also for the further purpose of inducing Lord Melville to believe that the money had been actually furnished by Lind? —I believe in my evidence yesterday I stated to your lordships, that the document had lately fallen into my hands, by which I found that the stock was originally invested in the name of the person who made the purchase; that it was some time before it went into the name of Mr. Lind. It was during that time that I did not communicate any thing upon the subject to Lord Melville, I believe.

Was Lord Melville to your knowledge ever acquainted that that stock was in any other name than the name of Lind?—I do not think his lordship ever was.

Having stated that from time to time you presented accounts both public and private, to Lord Melville, and that when a settlement was asked for, his lordship postponed from time to time coming to that settlement, whether there was in point of fact any settlement till the time of the general release?—I stated to your lordships yesterday, that there was a general settlement of his lordship's accounts at the time his lordship left the office in May 1800.

Who was it that suggested to you the propriety of keeping a chest account?—It was merely giving a name to an account which I found necessary to raise in debiting Lord Melville with that 10,600*l.*, which I found not in the bank when I succeeded Mr. Douglas as paymaster.

Why did you entitle it a chest account?—I recollect nothing of the circumstance; but if I may be allowed to suppose it, I should rather think that Lord Melville desired me to raise an account, and to call it a chest account.

Did Lord Melville explain to you that that sum of 10,600*l.* was public money?—He did not explain it to me, there was no necessity for that, for I knew it to be so.

You have been stating, that you advanced the money with which the India stock was purchased, although it stood in the name of Mr. Lind, whether you received from Mr. Lind any security for that East India stock in his name purchased with your money?—I received an acknowledgement to that purport.

Did that acknowledgement state for whom the purchase was made?—It did not, at least it did not mention Lord Melville's name, but my own.

Whether, if the speculation had succeeded, Lord Melville had any means of getting at this money, especially if you were dead?—I am free to say it never entered my consideration.

Since you took no acknowledgement from Mr. Lind, that the stock was purchased with the public money, suppose that speculation had turned out advantageously, what security had Lord Melville for the fruit of it?—None; but my own books having fully described the transaction.

Give a more particular answer to that question?—I do not think I have it in my power to do so.

No written acknowledgement having been given by Lind to you in consequence of the investment of the stock in his name, would not Lord Melville have been bound to pay the money to Mr. Lind, though Mr. Lind had never advanced it?—I do not recollect any document that passed between us, except an acknowledgement from Mr. Lind, that the 2,000*l.* stock belonged to me.

Was there any written acknowledgement given by Mr. Lind, that that stock was purchased with your money, and not with Mr. Lind's?—Yes, there was.

Whether you did not put Lord Melville in this situation of having no advantage from this speculation, if it turned out an advantageous speculation, and yet to have been a loser, by being compelled, in case of your death, to pay this money to Mr. Lind, as if the

money had been advanced by him?—I did not consider Lord Melville in that situation; the transaction was fully described in my book; and those I have appointed to be my executors, I am certain would have done justice to Lord Melville as well as to myself.

Whether any person except yourself in the navy pay office received any advantage, directly or indirectly, from the use of the public money?—I believe that some of the sub-accountants have derived some small advantages, but I am not at all acquainted with them; I can speak to nothing but my own transactions.

Mr. Robert Trotter, and Sir William Forbes were called to prove certain payments by Mr. Alexander Trotter to Sir William Forbes and Co. and Mansfield and Co. in the years 1787 and 1789, and one of the clerks from Messrs. Coutts and Co. proved the state of Mr. Trotter's account with that house at various periods, and the payments made by Mr. Trotter on account of Lord Melville's subscription to the loyalty loan, the last payment of which was on the 27th September 1797.

Mr. Antrobus proved that on the same day Lord Melville executed four several powers to enable Messrs. Coutts and Co. to receive the dividends and to sell all the stock standing in Lord Melville's name, viz. 12,000*l.* reduced and consols, 11,250*l.* loyalty loan, and 4,178*l.* East India stock; and that he thereupon signed an order in the following words.

Messrs. Thomas Coutts and Company,

I have executed powers of attorney in your favor, to enable you to receive the dividends, and likewise for the sale of consolidated 3 per cents, reduced 3 per cents., and 5 per cents. 1797, standing in my name at the bank; also for my India stock. And I desire that the dividends you will from time to time receive on these funds may be placed to the credit of Alexander Trotter, Esquire's, account; and that you will take any directions he may at any time give respecting the sale of all or any part of these stocks, and apply the pro-

duce in any manner he may direct: for which, this is your authority.

Henry Dundas.

Somerset-place, 28th September 1797.

Mr. Antrobus also proved that he and his partners held Lord Melville's 13,500*l.* East India stock and 7,000*l.* 3 per cents reduced, subject to the controul of Mr. Trotter.

It was also proved that in May 1800, when Lord Melville went out of office, Messrs. Coutts and Co. advanced 13,000*l.* upon the security of his lordship and his son, and an assignment of the place of keeper of the signet in Scotland.

Then Mark Sprot, Esquire, was examined as follows:

Whether you accepted of the controul over a certain sum of India stock, amounting to 13,500*l.* from Mr. Alexander Trotter in the month of May 1800?—I think I did, but I cannot be certain.

Did you advance a sum of money upon certain stock, East India and other stock, through the solicitations of Mr. Alexander Trotter, at that time?—I did.

To what amount?—I think to 51,700*l.* I have seen it since to refresh my memory.

On whose account did you make that advance?—To the honourable Robert Saunders Dundas.

Did you obtain complete power over those stocks as your own in consequence of that advance?—I certainly had complete power to have had it whenever I pleased.

To whom did you pay the 51,700*l.* that you have mentioned?—I paid it to Alexander Trotter.

Did you receive a draft, or the produce of a draft of Lord Melville, to the amount of 1,427*l.* to even the account between the loan and the stock you had received as a pledge for that loan?—I never received a draft of Lord Melville.

Did you receive a sum of 1,427*l.* in order to make that even?—I received it from Mr. Alexander Trotter, as far as my memory goes.

Cannot you refer to your banking book, in which

you have the exact amount of the sum? turn to the book, May 22d 1800?—I have not got the book here.

Do you recollect that you did receive that sum of 1,427*l.* 11*s.* 11*d.*?—I do.

Do you know from whom you received that?—I think, from the best of my knowledge, it was from Alexander Trotter; I am sure it was.

On whose account did you receive it?—On the honourable Robert Saunders Dundas's account.

Did you transact money business largely at any time for Mr. Alexander Trotter?—I have borrowed money of Mr. Alexander Trotter, and have lent him considerable sums; large sums.

Did you ever purchase navy or victualling bills, or other government securities for Alexander Trotter, and for his benefit and advantage?—I once purchased navy bills to the amount, I said, of ten or twelve thousand pounds; but I find in a book I have found since, there is an account of the navy I purchased for him.

Refer to your book and state what is the quantity of navy bills you so purchased?—That would take up a long time to do.

Whether the navy bills you so purchased for Alexander Trotter at any time, were ever at a discount?—I have no memory of that.

Do you recollect Alexander Trotter borrowing a sum of Money of you in preference to the sale of his navy bills?—I remember his borrowing money of me, a considerable sum; I have reason to think it was to prevent his selling his navy bills.

Cross-examined.

Had you any pecuniary transactions with Lord Melville in your Life?—Never.

Have you any acquaintance with Lord Melville?—A very slight one. I have had the honour two or three times of being in Lord Melville's company; but never a word of money or any thing of that kind passed.

Were not you applied to by Mr. Trotter in 1800 to advance money to him on certain stock?—I was.

State the particulars of that transaction to the best of your recollection, and with whom it was?—Mr. Trotter told me that he wished I would do him the favour of lending him upon India stock and reduced loyalty stock; I agreed to lend it him. He proposed for me to lend it to the honourable Robert Dundas: I then had a meeting with the honourble Robert Dundas, and I said I would not lend it upon heavy stock, such as India and loyalty too, which was a heavy stock; but that I wished to lend it upon three per cent. consols and India. The sum wanted was fifty thousand odd pounds, upon which I had a meeting with him next day, and that 1,400*l.* mentioned was to reduce the stock that the dividend of India and the dividend of loyalty should be five per cent. equal to the sum lent five cent.

Then was it upon that account that you received from Mr. Trotter one thousand four hundred and twenty-seven pounds eleven shillings and eleven pence?—It was.

Had you any intercourse with Lord Melville during the course of that transaction?—None.

Was the stock disposed of or not?—It was rather long-winded; I was anxious to get my money: I had stayed two or three years, and I wrote either to the honourable Robert Sanders Dundas or to Mr. Trotter, begging permission to sell the stock; for I did not think things were clear.

Look at that paper put into your hand: is that your hand-writing?—It is; and this can tell the very dates.

Was that paper written by you at the time of the transaction?—It was.

Can you, by having your memory refreshed from that paper, specify the particulars of the transaction?—Yes I can: the sum of India stock was 14,500*l.*, which was valued at the price of the day, 210*l.*; the consols 35,529*l.* 1*s.* 3*d.*, valued at 60*l.*, that made 51,767*l.* 15*s.* The sum that I lent there is interest from the 21st of May, 1800 to the 21st of May, 1801, 2,588*l.* 7*s.* 9*d.* Then there is cash paid Alexander Trotter 30th October; this was to bring the interest

to a data. I remember Mr. Trotter said, you have got this 1,400 odd pounds, now the interest will bring it to this date; to the 30th of October it makes the interest 5 per cent. and the interest of the sum lent 5 per cent.

You say you have had various money transactions with Mr. Trotter, lending money and borrowing money; whether these money transactions with Mr. Alexander Trotter were not all entirely upon Mr. Alexander Trotter's own account?—His own account.

Have you any knowledge or belief that any other person whatever was concerned in this transaction?—None.

Or that they were for the benefit or advantage of any other person?—None.

The witness should be confined to his knowledge?—I do not know it of my own knowledge.

Question by Counsel.—Whether you had any knowledge, at the time of these transactions, that the money advanced to you at different times by Mr. Alexander Trotter was public money?—None: I might surmise and conjecture, as he was paymaster of the navy, but I had no knowledge of it.

Had you any knowledge of Mr. Trotter and his connections, and whether his nearest connections were not persons in considerable opulence?—Mr. Coutts's father and Mr. Trotter's father were partners. Mr. Trotter's brother is a partner in the house of Thomas Coutts and Company; and he has a brother of considerable fortune; and he has several very considerable connections. And I having put my stock, as a security to Mr. Trotter, into Coutts's name, I was led to think it might be Mr. Coutts's money. I had borrowed money, and have money of him now upon government security, and did not know whether Alexander Trotter might not be the channel of conveyance.

Question by a Manager.—Have you any knowledge that this sum of money so advanced by loan to the amount of fifty-one thousand odd hundred pounds was for Lord Melville?

Question by Counsel.—The witness has already said,

that he had never any conference with Lord Melville, therefore, whatever he knows must be upon the information of others?—I am not certain of that: neither could I upon my oath say whether Mr. Trotter mentioned Lord Melville's name or not.

Question by a Manager.—Do you know, of your own knowledge, whether this money was advanced for Lord Melville's purposes or not?—I do not know.

What was the nature of the security you received beside the stock itself?—A missive letter Mr. Robert Dundas gave me, saying he had borrowed so much money upon that stock; and I engaged to account to him for the dividends; and he was to allow me interest for the money.

Then Mr. John Meheux was examined as follows:—

Are you an officer at the board of controul for the affairs of India?—I am.

How long have you held any situation there?—From the first establishment of that board, in September 1784.

Who was president of that board, at the time you first took your seat there?—The late Lord Sydney.

Who succeeded Lord Sydney?—Lord Grenville.

Who succeeded Lord Grenville?—Lord Melville.

How long did Lord Melville continue in that situation?—From 1793, till the 19th of May, I believe, 1801.

Did you receive a salary for Lord Melville as president of the board of controul after the time that his salary was annexed to that office?—No, not from that time.

Did you ever receive the salary for Lord Melville?—I do not know that I did ever absolutely receive it, because I received the whole sum of money for the payment of the office at the India-house, and paid Lord Melville's proportion of it on Lord Melville's account into Drummond's house.

Did you pay any proportion of it to any other person—Never.

Cross-examined.

Question by Counsel.—When did Lord Melville

become president of the board of controul?—From the moment he first entered that office he began to do duty.

When was that?—From September 1784.

From September 1784 till May 1801 Lord Melville did the whole business of that extensive department?—I may say he did almost exclusively; I might almost go further, and say quite, with the other members that were of the board junior to him.

Was the business of the office at that time, and particularly at the first periods of it, a business that required very great and constant attention?—Very great and constant, without any salary, I believe, till 1793.

Then for the first nine years of that time Lord Melville executed the duties of that extensive department without any salary at all?—Without any salary whatever.

Do you recollect that that was the period when the first establishment took place of the board of controul, 1784?—Certainly, and I believe they first met on the 3d of September 1784 at the treasury.

Then the Right Honourable Charles Bragge Bathurst was called in, and being sworn, was examined as follows:

Were you at any time treasurer of the navy?—I was.

When were you appointed to that office?—In November 1801, I think.

How long did you continue in that office?—Till the spring of 1803.

Who was your paymaster during that time?—Mr. Trotter.

Where was the public money belonging to the navy pay office lodged when you first accepted the office of treasurer of the navy?—I have no means of stating that.

Do you know whether all the money was lodged in the bank of England, or elsewhere?—I certainly know nothing of that.

Did you discover that all the money belonging to

the navy pay office, during the time of your holding that office, that the public money was not lodged in the bank. or any part of it?—I was so informed by Mr. Trotter, my paymaster.

Did you receive that information originally from Mr. Trotter?—I did.

At what time did Mr. Trotter give you that information?—I believe, on my first entrance into the office; perhaps I should state that I understood it to apply only to a small part, which it was found necessary for the convenience of the office to deposit in the hands of a private banker, instead of the whole remaining in the bank.

Did you direct the discontinuance of that practice? I did in the course of my holding that office.

At what time did you direct that discontinuance? —In the course of the summer of the year 1802.

Was your order complied with?—It was.

Were any representations made to you, or any remonstrances on the discontinuance of that practice?—Does the question mean to apply to the time previous or afterwards.

Previous?—Representations were made to me of the convenience supposed to accrue to the office, from the practice which I understood had prevailed, of keeping small sums of money in the hands of a private banker.

Do you know what were the sums of money, or did you inquire what they were, which were so kept in the hands of a private banker?—I did not.

Did you receive any representations upon the inconvenience arising from the money being replaced at the bank, after such order of yours had been executed? —I am not aware of any such representations, nor do I believe that any such were made to me.

Are you acquainted with any inconvenience which resulted from the execution of your orders?—Certainly not, personally; the office was conducted during my time by the paymaster, and unless, upon extraordinary occasions, representations were not made to the treasurer, I believe certainly none such were made to me, by any person in any department in the office, or by any person having any demands upon the office.

What are the duties of the treasurer of the navy? —I must submit to your lordship, that I held that office for the space of about eighteen months; that I have been out of that office for three years; and that your lordships are already apprized of the manner in which that office is conducted. I will now answer any question the honourable manager may put to me.

What duties did you execute as treasurer of the navy?—Your lordships have been already informed, that it had been the practice of my predecessor, I find that it had been the practice of the noble Viscount at your lordships' bar, it had been the practice of another member of your lordships' house, whom I succeeded, Mr. Ryder, to delegate all the power of issuing and receiving money from the bank to the paymasters; that was done by a general power of attorney; consequently, all the payment transactions, which I presume are more immediately the subject of your lordships' inquiry, were conducted and made by the paymaster, the references were made to me in particular cases, and in other branches of the office, not relating to the payment of money, and in a variety of other transactions, references were made to me sometimes daily, sometimes at considerable intervals; but with respect to the payment and receipt of money, in all the various branches of the office, that was conducted entirely by the paymaster.

The Commons then presume they are to understand, from the answer last given, that the paymaster acted for the treasurer in all payments, under a general power of attorney, and acted in all the routine of business, with regard to receipts and payments of money, without the interference of the treasurer?—He did so, except in a case of any extraordinary reference that might be made to the treasurer.

Did he perform all the principal duties of the office?—Certainly so.

Did Mr. Trotter continue to be your paymaster to the conclusion of your treasurership?—He did.

Cross-examined.

Question by Counsel.—Whether payments in very

small sums, under twenty shillings, are not daily made in the office to sailors and their relatives?—From what I have stated already, your lordships will perceive it is not in my power personally to answer that question.

Was it not in the course of office that they should be paid in that manner?—I have no other means of answering that question than a persuasion that there must be small sums, and of course, that small demands would be paid.

Which department of the payment of seamen's wages in London arise in?—In one of the sub-accountants I apprehend, and not of the paymaster personally.

The sub-accountant receiving a supply from the paymaster?—The supply received from the paymaster I apprehend to be in advances of some magnitude, supposed to be adequate to the demands in that department for a limited time.

Do you know whether, posterior to the alterations you made in the summer of 1802, those small payments continued the same afterwards as before?—I presume they did.

I understood you to state, that the general duties and business of the office, especially with respect to receipts and payments, were delegated altogether to the paymaster, and that you did not interfere in that business, except when your attention was called to it by reference; by whom was the reference made to you, when your attention was called to any of the business that was going on?—Always by the paymaster, if he was in the office; if he was absent, as he was a short time during the time I remained in the office, it would probably be made by Mr. Wilson, who acted in his absence for him.

Re-examined

Question by Managers.—Was it a part of your duty as treasurer of the navy, and had you the power and controul over the paymaster?—Certainly; I considered the paymaster as my immediate deputy, for

whose acts I am responsible, and who is removable, I understood at a moment.

Was it in consequence of the duty cast upon you, and the authority you were invested with, that you made that order, to discontinue the money being in the hands of a private banker, and not in the bank?—Certainly; in consequence of the power I conceived I had over the whole of that office.

Do you know of your own knowledge, whether the paymaster ever made any small payments with his own hands?—The whole subject of payments is totally out of my personal knowledge.

We wish to understand whether the payment of those small sums of money, according to the course and practice of the office, was in the hands of the paymaster, and at his disposition; or in the hands of the sub-accountants?—I apprehend it to be made by the sub-accountants.

Then the Right Honourable George Tierney was called in, and being sworn, was examined as follows:

Were you at any time treasurer of the navy?—I was.

When did you undertake that office?---Sometime towards the end of the month of May 1803.

Did you execute the duties of that office personally?—I did during the time I had the honour to hold that office, all that I conceived it incumbent upon me to do in the discharge of the duties of it; that is, I gave to the office my general and pretty constant superintendance.

Did you give a power of attorney to any person to execute the duties of the office as paymaster?—I did, in the first instance, to Mr. Alexander Trotter, whom I found in possession of that office, and who had held it for a number of years preceding the time of my appointment, and afterwards at the distance of about a month or six weeks I removed Mr. Trotter for the purpose of appointing another gentleman, Mr. Latham.

Did Mr. Latham execute the duties of the office of paymaster during the time you held the office?—He did till I resigned the office in the month of May 1804.

Had he full authority to draw for all the public cash

as paymaster?—He acted under the same power which preceding paymasters had acted under; at least, my direction was, that the power to him should be so drawn.

In the absence of Mr. Latham who would have been, according to the course of practice in the office, to execute his office?—It was one of the inconveniences which I found in the office, that if the paymaster were occasionally absent there was no officer in that department who officially would have succeeded him, consequently the burden of the office would have fallen personnally upon myself, as far as related to drawing upon the Bank of England.

Had any other person authority from you to draw the public money except Mr. Trotter in the first instance, and Mr. Latham in the second?—No other person whatever.

Was any alteration made during your treasurership in the manner of conducting the business with respect to drawing money from the Bank of England?—A very considerable alteration took place almost immediately upon the appointment of Mr. Latham, an alteration for which I was indebted to a suggestion of Mr. Trotter.

Was any thing done by way of communication from Mr. Trotter to you, as to altering the mode of placing money to the account of the sub-accountants in the Bank of England?—The alteration which took place under my direction was this, that heretofore it had been the custom for the sub-accountants to wait upon the paymaster in the morning, stating what sum they should probably want in order to carry on the current transactions of the day, and upon this representation a draft was drawn upon the bank and messengers dispatched with it, who came back bringing home the money, which was delivered to the sub-accountant; the alteration I made was this, that when a sub-accountant applied to the paymaster for a sum of money, no such proceeding took place as a draft being given by the paymaster upon the Bank of England; the mode to obviate that necessity adopted by me was this, that four different accounts were raised at the

bank in the name of the four principal clerks who had the payment of the money, and these accounts being so raised in the bank books instead of their being put in cash by the paymaster's draft, the paymaster wrote to the bank an order stating, write off from my account to the account of the sub-accountant in question, the sum which he had stated to be necessary for carrying on the ordinary payments.

Do you know whether, in the course of the office, any payments are made by the treasurer or his paymaster?—Certainly not: there are some exceptions, but they are very rare.

Cross-examined.

You are understood to state, that the alteration made, was a direction to write off a sum from one account to another account: is that the alteration?—Certainly.

You have stated the form of the order that was given upon that occasion: please to repeat what the form of the order was?—The form of the order to the bank was, to the best of my recollection; but I have not had possession of one of these drafts for two years, it was, "Write off from my account, to the account of Mr. Swaffield, Mr. Davis, Mr. Slade, or Mr. John Swaffield, such a sum." The bank would then obey that instruction; and that sub-accountant would find himself possessed of a sum at the bank for which he might draw as should appear to him to be convenient.

I presume that was the whole form of the draft, as near as you can recollect, that was given upon that occasion?—My recollection does not furnish me with any other answer.

Whether the drafts went on to specify any head of service, or only in general terms to have it writ off from one account to another?—To the best of my recollection it would be unnecessary so to do, because the account was opened at the bank in the name of the sub-accountant, stating for what particular branch; therefore to write off, explained what the nature of the payment was to be.

Did the sub-accountant keep any official or private

account at the bank?—I know of no other accounts than the accounts to which I have alluded.

Prior to the order in question, was it usual for the sub-accountantants to keep an official account at the bank, or such an account as they might keep any where else?—I apprehend that, officially, the sub-accountants kept no account at the bank: what they might do for their individual convenience is that of which I have no cognizance.

Individuals might keep an account at the bank, but that was not an official account?—I understand it so.

After the alteration took place, did it still continue to be the usage of the office to make small payments in cash at Somerset House?—I apprehend that new regulation, which I have endeavoured to describe, created no alteration whatever in the practice of the office, but only effected the mode of bringing money from the bank to the office.

Do you know that small payments to a considerable amount were made daily at the office at Somerset House in the proper departments?—I know it as well as I can know any thing which I did not actually see, I apprehend there is not the least doubt upon the subject, but not having seen the actual payments made, I cannot undertake to swear to it.

Yo are understood to say, that you gave a power of attorney first to Mr. Trotter, and afterwards to Mr. Latham, to execute the duty of paymaster, and to act as your deputy?—I did.

After that, was the general detail of all receipts and payments left to that officer?—The general detail of receipts and payments was left to that officer. I frequently superintended the nature of the accounts, and having, from time to time, references made to me upon any difficulties that might occur; and I might state more than that, that I held it my duty, whether difficulties occurred or not, as much as possible to superintend the general state of the cash at the office.

Was the detail of the business of receipts and payments of each day done by the paymaster?—Certainly, unless any payment was claimed about which there

might be some doubt. All the ordinary payments were made in the way the learned counsel supposes.

Various other witnesses were examined on the part of the prosecution, but the preceding statement contains the whole of the evidence material to support the charges contained in the articles.

The Solicitor General (Sir Samuel Romilly) observed upon the evidence, adduced by the Commons, in a speech of considerable length and great ability; after adverting to the importance of the case, and the nature of the duties of the Lords and of the commons, he said.

My Lords, the crimes imputed by this impeachment to the noble Lord are of two kinds. They are offences against the common law, and a direct breach of a positive act of parliament. The *first* and the *tenth* articles relate only to offences at the common law. All the other articles comprize in them offences at the common law, and likewise violations of the act of parliament.

The *first* and the *tenth* articles are in substance the same; except that the *first* article charges the noble lord with having declared in the House of Commons, that he would not reveal the application of a large sum of public money in his hands. And the *tenth* article does not contain any such charge. All the evidence which applies to one of them applies to the other of those charges; and, my Lords, the sending up to the House of Lords the supplementary article of impeachment was a proceeding merely of fairness and indulgence to the noble lord.*

The *first* article had charged that the defendant, before the act of parliament, had applied to his own emolument large sums of public money, which had come to his hands, and a particular sum of 10,000*l.* was mentioned in that article. The Commons were in possession of evidence, to prove that the noble lord had possessed himself of much larger sums than that sum of 10,000*l.*; and they might unquestionably have

* It was sent up after Lord Melville had put in his answer to the other articles.

given evidence of all the sums, of which they have now given evidence, before your lordships, under that *first* article; but as they conceived it was possible the noble lord might have his attention directed, and that those with whom he advised might have their attention directed, to some specific sum of 10,000*l.* and therefore might not be so well prepared to defend himself with respect to the other sums, which they meant to charge him with having applied to his own use, they thought it a proceeding only of fairness and of candour to the noble lord to carry up another article of impeachment, which would particularly direct his attention to all the other sums, which they conceived they were in possession of evidence, to shew the noble lord had possessed himself of, amounting altogether to the sum of 27,000*l.*

My Lords, the offence charged in the *first* or *tenth* article then is, that the noble lord, filling a high and public office, and having received an augmentation of his salary upon the express condition that he would not derive any emolument whatever from the public money in his hands; did, notwithstanding, apply the public money to his own use, and made profit of it.

That is the simple charge contained in the first article; and then they charge his refusal to answer as to the application which he had made of it.—My Lords, I apprehend that it hardly can be necessary for me to state to your lordships, that the offence so charged is an offence at the common law, provided the offence is made out in evidence. An officer receiving a salary upon the express condition that he will not do a certain act, and afterwards doing those acts, is guilty of a breach of his duty as a public officer; and as such he is indictable. I apprehend that no doubt will be raised in your lordships minds upon that point.

It is not my intention, my Lords, to comment upon, or even to state to your lordships all, or even any great part, of the evidence, which your lordships have already been now above eight days in receiving. It appears to me, that this cause may be put upon a very few points, which lie in a very narrow compass;

and it will not be necessary for your lordships to follow us in all the calculations that we have made; to trace all the different sums in the manner that they have been traced by witnesses before your lordships. It will by no means be necessary for your lordships to do all this, in order to satisfy your minds that the noble lord is guilty of the offences with which he is charged. It is upon a few facts that I shall rest the case of the prosecutors.

The Solicitor General then entered into a minute detail of the evidence of the bank notes received at the exchequer, and paid into Messrs. Drummonds, which he contended was positive proof that the public money had been received by Lord Melville for his private advantage, and *that*, he contended, was clearly a breach of law, as the treasurer was restrained from so doing by the terms of his majesty's warrant. He then adverted to the admission of Lord Melville to Mr. Trotter, and in the House of Commons, that he had received 10,000 *l.* of the public money; and argued, that although the Commons had not proved the purposes to which that sum had been applied, it must, on account of the circumstances proved with respect to the two sums of 1,000 *l.* each, be taken that this 10,000 *l.* was applied by the noble defendant to purposes of private emolument.

He also argued, that the declaration by the defendant in the House of Commons, that he would not reveal the purposes to which he applied the money entrusted to him by the public, was a breach of his duty as a public accountant, a flagrant violation of the law, and in itself an impeachable offence. He admitted that, under certain circumstances, the constitution had intrusted the ministry with the use of public money, without their rendering any account of the application of it; but then the ministers were under the obligation of an oath to state that it had been applied for such purposes as it was intended for; but there would be an end of all these precautions, if a public minister of his own authority, under no such sanction, were to be acquitted of the money intrusted to him, upon his own assertion, that it had been applied to public pur-

poses. A declaration too made under circumstances of peculiar aggravation, inasmuch as it was made in the midst of the representatives of the people, in the very sanctuary of liberty.

My Lords, I shall not occupy any more of your lordships' time upon the first and tenth articles; but shall proceed to the other charges against the noble lord. All the other facts which are comprised in the remaining articles took place subsequent to passing the act in 1786. We accuse the noble lord of having, in violation of that act, suffered money to be drawn out of the bank, not for public services, but for the private emolument of his paymaster, Mr. Trotter. We then charge the noble lord with having himself participated, or rather derived emolument from the money so transferred from the bank.

The first offence which I have stated is merely an offence under the act of parliament. The second, as we conceive, both in violation of the act, and an offence at common law; because the noble lord, subsequent to the act, as well as before, received the same salary of 4000 *l.* a year, upon the same conditions, and for the same purposes.

He then read several passages from the reports of the commissioners of accounts, and from the act; and observed on the permission given by Lord Melville to Mr. Trotter, soon after the act had passed, to draw the money from the bank, and lodge it at Messrs. Coutts and Co.'s, which the solicitor general contended was clearly a breach of that act of parliament.

He then referred to the use Mr. Trotter made of this permission. At first, he said, he took out for his private purposes only 50,000 *l.* or 60,000 *l.* This continued for some years; but becoming bolder and more adventurous, your lordships find the balance drawn out of the bank by Mr. Trotter rising to the sum of 100,000 *l.* 200,000 *l.* to 300,000 *l.* to 350,000 *l.* and, in the last year in which Mr. Trotter was the paymaster of Lord Melville, at the time when Lord Melville quitted his office, and when it was necessary to make up the public accounts, Mr. Trotter had in his hands, of public money, little less than half a million

of money; above 450,000 *l.* At the same time the balances remaining in Mr. Coutts's hands, upon Mr. Trotter's account, bore no correspondence with those sums; for when Mr. Trotter had 209,000 *l.* of public money, transferred by him to Mr. Coutts's, he had left in Mr. Coutts's hands only 47,000 *l.* At another time, after he had transferred 216,000 *l.* of the public money into Mr. Coutts's hands he had not one shilling of public money in Mr. Coutts's hands: nay he had overdrawn his account, and he was debtor to Mr. Coutts in the sum of 330 *l.* The whole of this had been applied to private purposes, lent on private securities to individuals, or upon government paper, or embarked in the funds.

The Solicitor General then stated he should proceed to show the advantage which the noble defendant derived from the use of the public money. He first referred to the conversation which took place with Mr. Trotter about the purchase of East India stock, and said it was impossible to believe that a man, possessed of the noble defendant's understanding and knowledge of the world, could have supposed that some person should be found, who would lend money to another, having no security whatever but that stock in which the money was to be invested. If this, said he, was to be proposed by some of those persons who advertise in the public newspapers the means they have to enable persons to make fortunes for themselves, would you not suppose they were insulting such persons by the proposal? Is it to be supposed that a person not having a shilling to advance, can speculate in the public funds with 23,000 *l.* giving the stock itself only as a security to the person who lends him the money? was not the impossibility upon the face of it evident.

If the noble lord was ignorant of it before, was it possible he could entertain any doubt, after this, that his paymaster was making one advantage of this public money; not from any interest Mr. Coutts might allow him from having so large a sum placed in his hands, but that he was making a fortune by speculating with the public money in the funds, or upon other security.

Your lordships will find, that before this conversation had taken place, 61,000*l.* was the utmost of the public balance that Mr. Trotter had had in his hands. But afterwards, 200,000*l.* 300,000*l.* 350,000*l.* is transferred from the bank to Mr. Trotter's private account, and all speculated with in the public funds, in the manner in which the small sums had before been speculated with.

He then stated the particulars of the advances made by Trotter for the loyalty loan, the payments to Sir William Forbes and Co. and Mansfield and Co. and the purchase of 7,000*l.* reduced 3 per cent. on account of Lord Melville. All of which he observed upon at great length, and argued, that it was impossible these advances could be made without Lord Melville knowing he derived emolument from the public money.

My Lords, continued he, I have little to add to what I have already stated, but upon the destruction of the vouchers. The Commons have charged that as a substantive offence in the noble Lord. It is to be considered in two points of view; as being in itself an offence, and as affording a strong presumption of guilt.—Your lordships find that a release was executed on the 18th February, 1803, by the noble lord in Scotland, and by Mr. Trotter on the 23d of the same month in London.

And in that release is contained a recital that the parties had mutually delivered up, or had agreed to deliver up, and destroy all the vouchers which were in each other's possession. The deed does not itself make any provision whatever for the destruction of the vouchers; there is no obligation, by that instrument, imposed upon either party, that they would destroy vouchers, but it merely recites that they had destroyed all those vouchers; that they had delivered up or will destroy them. It has been said, that there were not any vouchers destroyed by the noble lord, in consequence of that instrument being executed, or since destroyed.

Now I would give the learned counsel their choice upon that subject; either the vouchers were de-

stroyed in consequence of that instrument being executed, or they had all been previously destroyed, now if they had been previously destroyed they had been destroyed before the accounts were settled, and before the parties had released each other. If it be true, as it has been stated, that no vouchers were destroyed in consequence of this, or subsequently to this, then they had all been destroyed while the account was yet an unsettled and depending account; when it was the interest of each party to preserve those vouchers, when it was most peculiarly the interest of the noble lord to preserve them, because they were the transactions of his agent. The noble lord's vouchers, in possession of Mr. Trotter, were comparatively of no importance, but the vouchers in the hands of Lord Melville were of the utmost importance. They were the vouchers, by which he could alone check the account of his agent. If these were destroyed before the accounts were settled, and the mutual demands released—for what purpose could they be destroyed, but for the purpose of destroying all evidence, which it was known could never come to light, without bringing destruction and ruin on the heads of the parties concerned in them.—That the vouchers have been destroyed by the noble lord, we have his own evidence;—it is declared in the letter written to the commissioners of naval inquiry, and which is upon your lordships' minutes; and it was before this examination before the commissioners;—this is a letter of the 30th of June, 1804, in which the defendant says:—"It is more than four years since I left the "office of treasurer of the navy; and, at the period of "my so doing, having accounted for every sum emprest-"ed into my hands, I transferred the whole existing "balance to my successor; from that time I never con-"sidered any one paper or voucher, that remained "in my hands, as of the smallest use to myself or any "other person; and, consequently, being often in the "practice, since I retired to Scotland, of employing "occasionally some time in assorting my papers, and "destroying those that were useless, I am satisfied

"there does not exist any one material, by which I "could make up such an account as you specify."

He then contended, that the destruction of papers, and other things to suppress evidence, was always held to be a strong inference of guilt. He cited some civil cases, where the destruction of papers had induced courts of equity to decree accounts most strongly against the party destroying them, and contended that, in a criminal case, if a man were indicted for the murder of another, and there were no evidence against him, but that which is called circumstantial evidence, and if evidence were to be produced that the prisoner had destroyed the clothes which he wore upon the day upon which the man was murdered, a jury would be directed to presume, and would presume, that those clothes, so destroyed, had been stained with the blood of the man that was murdered, and that they had been destroyed only for the purpose of suppressing that evidence.

But, said the Solicitor General, it is not merely upon that presumption that your lordships should act. I submit that a man standing in the situation in which Lord Melville stands, a public accountant, a trustee for the public, a man who had used part of the public money, (as he himself states,) not for the purposes for which they had been placed in his hands, but for some other purposes, I say it was peculiarly his duty to preserve his accounts; and that the destruction of his accounts and vouchers is, of itself, a crime which would alone be a just subject of impeachment.

My Lords, these are all the observations with which I have to trouble your lordships. I have already trespassed a great deal too much upon your lordships' time; I am extremely sorry that I have done it; and if I had known how to have compressed it, I should have endeavoured to shorten it.

On the 13th of May (the eleventh day of the trial) Mr. Plumer entered upon Lord Melville's defence, and spoke to the following effect:

It is now my duty, my Lords, as counsel for my Lord Melville, to open his defence. In proceeding

to the exercise of which duty, I am sure it will readily be believed, that I must bring into it all those sentiments and feelings which such a situation cannot fail to produce.

My Lords, whatever encouragement I may hope to derive from the great indulgence I have been accustomed most undeservedly to experience from your lordships; whatever confidence I cannot but persuade myself I ought to derive from the strength of the cause which is intrusted to me; whatever reliance I may most assuredly place in the wisdom, justice, and impartiality of your lordships, of which every day's proceeding has exhibited so dignified and striking an example;—still, my lords, it is impossible that I should not feel all the anxiety and responsibility which belongs to a situation, the duties of which I am utterly unable to perform.

My Lords, it is impossible for me not to recollect for whom I have the honour to appear. What have been the exalted stations which that noble person lately filled; what is his present situation; and what must be the feelings and anxiety of himself, and all to whom he is dear at the present moment:—Looking to the final issue of this cause, which is to determine what will be the close of a life devoted to the public service; and (which is infinitely more valuable to him than life itself,) what is to be the final result which is to vindicate the honour and character of the noble defendant, from the foul reproach under which he has so long, and I hope your lordships will finally think, so undeservedly, laboured.

My Lords, the defendant has to encounter difficulties of no common magnitude; the charges against him have long lain upon the public mind; and they have been, with cruel industry, circulated and enforced. I hope, my lords, I shall not be understood in the least to allude in this to any thing that has been done by his honourable accusers.

He is called upon to answer, not for any malversations in those great departments of the state, to which all the energies of his mind, in times of the greatest peril, from foreign and domestic enemies,

were applied, but for all the minute details of an office, which, by the ancient usage and course of it, have been always committed to a subordinate; and upon subjects to which neither his natural habits, nor his other occupations could permit him to attend; and this, my lords, after the lapse of a long period of time,—after the death of one of those subordinates, and when the other, in whom he had placed entire confidence, is brought forward by his accusers as a witness against him.

My Lords, before the noble defendant had ever been heard in his defence, he was condemned, and subjected to the most severe and afflicting punishment which an honourable mind can sustain. He has now the misfortune to have for his accusers, the knights, citizens, and burgesses in parliament assembled, in the name of themselves, and of all the Commons of the united kingdom,—a great and mighty assembly, and to whom every possible respect and veneration is due—armed with all the extensive powers and privileges justly belonging to that great assembly, upheld and inforced as they could not fail to be, in the hands of the representatives to whom this great trust was committed.

My Lords, against those representatives he has to contend with all the professional and parliamentary knowledge and experience; all that the most splendid talents and eloquence, united with the most indefatigable industry and zeal, and a long acquaintance with the subject, could produce.

The accusatory matter is of great extent and variety; it is spread over several articles; the evidence, written and parol, has occupied your lordships for many days; and the matter of accusation has been pressed against him, not only in the able and eloquent speeches which opened and closed the evidence, but likewise in all the interlocutory observations, which, according to the privilege of the managers allowed in a proceeding of this nature, has never failed to accompany every stage of the proceeding.

My Lords, to all this, it is utterly impossible, within any limits I could hope to have allowed me,

to attempt to offer any defence or answer; added to which, I have been alarmed with an observation which preceded the eloquent address which your lordships heard when last assembled; and which, I am persuaded, was not meant to convey all that it might possibly, perhaps by a misrepresentation of it, be supposed to represent. My lords, I mean the observation that the honourable managers, and, speaking of them, I presume in their representative characters, that the Commons of the united kingdom were now upon their trial.

My Lords, I feel particularly anxious, that in the outset of this business that point should be well understood. I am sure it was not the intent of the honourable manager, to have it understood by that expression, in the least to trench upon the free and unfettered right of judgment upon the charge, without any reference to the quarter from whence the accusation comes. I am sure, my Lords, it could not have been, it could not be understood to mean, that the honour and character of the House of Commons is in any respect implicated in the result.

My Lords, under the circumstances in which this business stood, when it was originally presented to the public, before the matter had been fully explained, when it was quite clear that abuses to a considerable extent had been committed by somebody; and when it remained uncertain, from the unfortunate circumstances which at that time prevented full knowledge and inquiry into the subject, whether those abuses were the authorized acts of the noble defendant, and had been done with his privity and knowledge, and for his use, benefit, and profit, undoubtedly, my Lords, it did become the Commons of the united kingdom to put this in a train of inquiry.

My Lords, inquiry never was objected to; on the contrary, it has throughout, in every stage of the business, been courted and sought for. It was fit that the public, whose mind had begun to be exasperated upon this subject, should feel the satisfaction of having this matter thoroughly and completely investigated, in order that it might be fully ascertained

whether those abuses were the authorized acts of the defendant, or the unauthorized acts, without his knowledge, of a subordinate to whom the business was, according to the establishad usage of the office, entrusted.

My Lords, had the present course of inquiry originally occurred to that honourable assembly, I am quite sure that what did take place would not have been suffered to take place pending that inquiry, because I am quite sure, that in this country, the proud and distinguishing feature of whose character and constitution is the pure and impartial administration of justice, it never could have been found, that that great assembly collectively, or any one individual in it, should have wished, pending the inquiry, to violate the first principles of natural justice, which forbid any one to be condemned or punished until he had been fully heard. Unfortunately, my Lords, a different course of proceeding originally proposed, induced those steps to be taken by which criminatory resolutions against the noble defendant were carried up to the foot of the throne, by which he was separated from his Majesty's councils, and held out as liable only to a civil prosecution. Your lordships all know, that a criminal proceeding was afterwards substituted in the place of a civil one. Now, my Lords, I only say, that in the state in which this business now comes forward, I am sure, if it were orderly and proper, I might appeal to all the accusers, that if in the result of this trial, it shall appear, what could not and did not appear in the prior stage of the business; if it shall ultimately appear, after due inquiry—after every possible opportunity given to sift this matter to the bottom—after every obstacle has been removed which prevented the principal witness against the defendant from being publicly examined—after months have been allowed to examine all written documents—after acts of parliament have been made to render competent the witness I allude to, and to open his mouth, and in the face of the public to say whether these acts were his acts, or the authorized acts of the defendant; I say, if after all this, it shall ultimately appear, to the feelings and satisfaction of

every body, that the truth is that these acts were not what they were once believed to be, the authorized acts of the defendant, I am persuaded it cannot be the wish of any individual that the noble defendant should not have the benefit of that testimony; and that, if in the result it be shewn, that the impeachment in its main character and feature, in the principal ground and foundation upon which it stood, has been cut down and negatived to the full conviction and satisfaction of every one, I am persuaded the Commons of Great Britain will not find that they are in any respect implicated, or their honour or character in the smallest degree affected by the result proving favourable to the defendant.

My Lords, I am persuaded that I have still less to apprehend from what I ought perhaps to apologize to your lordships for adverting to, I mean that most extraordinary cause of unauthorized proceedings out of parliament, that outrage against the feelings of humanity and justice, pending a criminal inquiry, which took place; not by anonymous libels; not in private; not in indirect terms, to weigh down this defendant, about to be brought upon his trial; but, my Lords, in assemblies convoked by written requisitions *, couched in a singular manner, in exactly

* Mr. Plumer here alluded to the requisitions addressed to the sheriffs of different counties, to convoke meetings to take into consideration the matters contained in the Tenth Report of the Commissioners of Naval Inquiry; and which requisitions treated the Tenth Report as containing conclusive evidence of Lord Melville's guilt. These meetings took place before Lord Melville had even been heard in the House of Commons, and before Mr. Trotter had thought proper to answer.—Most of the requisitions and proceedings thereon may be seen, by referring to the Morning Chronicle of the following dates 1805—April 19th, 20th, 21st, 24th, 25th, and 26th; May 1st, 3d, 4th, 6th, 7th, 13th, 14th, 15th, 18th, 20th, 21st, 22d, and 30th. And to the following country papers: Norfolk Chronicle, May 18th,—Norwich Mercury, May 4th,—Bedfordshire Chronicle, May 22d,—Hampshire Chronicle, May 18th,—Salisbury and Winchester Journal, June 24th,—Kentish Chronicle, May 31st,—Reading Mercury, May 20th,—County Chronicle, May 7th.

A specimen of the style of these requisitions may be seen in the appendix.

It was reported during the trial of Lord Melville, that those peers who had signed the requisitions could not be allowed to sit in judg-

similar language, and addressed in every part of the kingdom to call forth associated libellers; to utter the most false, scandalous, and malicious libels against a defendant about to be brought upon his trial, behind his back, in assemblies where it was impossible he could be heard; and not only, my lords, uttered, repeated, published, but, my lords, to the shame of all decency, carried up to the foot of the throne, and registered among the records of his accusers.

My Lords, I am persuaded the just impression of these proceedings upon honourable minds, such as I have now the honour to address, will be to render them more cautious in watching the accusation, in comparing it with the proof, and in being quite certain that every impression which may imperceptibly, by the long acquaintance with this subject in public, have crept into the purest mind, will be entirely wiped away and obliterated, and as far as is possible the mind brought free and pure to the consideration of this important subject.

My Lords, the course of enquiry which I propose to pursue I will now state to your lordships. Called upon to answer ten articles of impeachment, it would certainly be competent to the noble defendant if he had been so disposed, to have addressed a distinct and separate answer to each individual article, and to be separately heard upon each. A different course has been pursued on the part of the prosecution; and it is not the intention of the defendant to depart from it. I shall also follow the example that has been set me, particularly the honourable and learned manager, whose able address your lordships last heard, by not attempting to travel through the immense mass of written and parol evidence, and the various crimina-

ment upon the trial; upon the principle which prevents persons sitting as jurymen, who have previously given an opinion upon the merits of the case. But it does not appear, that the objection which may be made to a juryman will operate in the case of a peer of parliament; for thirteen of the peers, who signed requisitions of this nature, did vote upon Lord Melville's trial, viz. the Dukes of Norfolk and Somerset; the Marquis of Winchester; Earls Derby, Suffolk, Cowper, Carnarvon, King, Darnley, and Carlisle; Lords Grantley, Dundas, and St. John.

tory topics that have at any time been alluded to throughout those proceedings, but in rather following him in the topics which he has selected for accusation, which he has with great candour stated to your lordships, were the points meant to be pressed against the defendant, and which he has distinctly stated, was done for the purpose of calling your attention to it, thinking as he very humanely and honourably said, that it was fair and just to the defendant to draw under his notice and attention those topics he was expected to address in his defence; and I therefore hope that neither on the part of the managers, nor, I am sure, on the part of any one of your lordships, will any inferences be drawn to the disadvantage of the defendant, if I should omit to notice other points of less importance or those that have not been thus pointedly selected upon the summing up of the case, and thus pointedly pressed and relied upon.

The general subject presented to your lordships by the ten articles before you, divide themselves into two general heads. Two of the articles, the *first* and the *tenth* relate solely and entirely to matters that preceded the statute of the 25th of the king, and must therefore be considered with the reference to the then state of the law and the office in question. The other *eight* articles relate altogether to matters arising posterior to that act of parliament, and therefore involve all the questions that can result from the consideration not only of the law as it stood antecedent to that period, but also of all the new obligations which that act of parliament had created. In the *first* and *tenth* articles, the sole charge is, the corrupt appropriation, to his own use or to corrupt purposes, or to other than the naval services, of the public money, imprested to him as treasurer of the navy; the continuing that, posterior to the passing of the act of parliament; and in the first article, the declaration made in the House of Commons upon the subject of it.

In the eight articles that follow, the criminatory matter is first in the *second* article described as a breach of the act of parliament, considered abstractedly without reference to the use that was made of the money

withdrawn from the bank, and deposited at a private bank. The mere act of withdrawing it from the one place to the other, independent of all reference to the corrupt or improper use of it, being in that article stated as an offence, as a violation of the act of parliament, as a breach of duty, and a high crime and misdemeanor.

My Lords, in all the other *seven* articles, the withdrawing and the use of the money constitute the charge, but the corrupt use is united with the charge of withdrawing it from the bank for private profit and emolument. Your lordships will observe, that in the articles it is left a little vague and loose without stating for whose private use and emolument. In addition to that there is contained in the other articles a charge, not indeed a distinct one, but which I now understand is meant to be relied on as constituting a distinct offence. The charge of having destroyed vouchers, which is stated to be in a public accountant itself a crime, besides affording the inferences of criminality and guilt, which have been drawn from it in aid of the charge of corruption. My lords, these, I believe constitute the general outline of all the articles which are now before your lordships.

Now, my Lords, upon the subject of corruption, imputed to the noble defendant, I beg your lordships in the outset to understand me explicitly on his part to declare, that he entreats of your lordships the most vigilant, the most scrupulous, and the most exact enquiry into the whole of his conduct; whatever irregularities, whatever imprudence, whatever negligence, whatever blame may be discovered in other respects upon this subject of corruption, my lords he entreats that he may experience no favour or indulgence whatever. If it shall be discovered that in any instance the mind of the noble defendant has been corrupt, that he has violated or lost sight of his duty in pursuit of money, he entreats that he may receive from your lordships that sentence and condemnation which being pronounced to him will be worse than death itself.

But my Lords, before you pronounce him guilty upon such a charge, your lordships I am sure will

duly weigh and consider what was the situation of the noble defendant at the time these acts are charged upon him, what were his other occupations, his natural character, the general habits of his life in money matters, and how easily much which would appear unaccountable and negligent in the case of a private unoccupied individual, may fairly be referrable to the situation of the noble defendant, and to the general habits of his life, as proved on the part of the defendant by every witness, that has been produced and admitted by the honourable manager, who opened this charge, and who frankly and fairly stated to your lordships, that the sordid imputation of avarice never for a moment in the mind of any man alighted upon the head of the defendant. My Lords, I hope therefore it will be remembered that your lordships are considering the conduct of a man, who, if he has departed from that line in any of those proceedings, which are the subject of enquiry, he has done it for the first time in his life; that he has abandoned his natural character, and forsaken all that was the darling object of his life, the estimation of his country, his fame, his reputation, and his honour, for the sake of what was never the object, never the passion, never the pursuit of his noble mind. Unfortunately for him, and all his private concerns, this is matter of perfect notoriety, and his present situation and fortune exhibit evident proofs of it; and at which period is he supposed to have done this? Was it at a time when the mind might naturally have retired, if it was so disposed, to subjects of this nature? No, my lords, you are asked to believe that one, bred with the feelings and education of a gentleman, placed in situations, the most calculated to elevate the mind, embarked in public concerns of the most extensive and perilous nature, filling the most exalted and honourable departments, at a period the most eventful of our history, having all the affairs of Europe upon his hands, should have stooped to these degrading and unworthy objects of pursuit. My lords, if at such a period, and under such circumstances, one, never in all his life accustomed to figures or accounts, should be found inattentive to and negligent of them; and he

should have altogether committed them to others, and kept his eye steadily fixed upon the great public concerns entrusted to his care; surely every noble candid mind will see is fairly referrable to the situation in which he was placed. In considering those subjects of a more ancient date, your lordships will not expect me to be enabled after a lapse of twenty-four years, when the principal witness is dead, to cover each distinct item in a banker's book, and to explain how it happened, that at one particular time his account was overdrawn at his bankers, or that in the mixture of accounts between his paymaster and himself the bank notes were mixed.

My Lords, with respect to the first charge, of having received ten thousand pounds, it is quite enough for me to state that it arises at a period when there existed no law whatever restrictive upon the place of deposit: that there existed no law whatever, either common law or statute law, upon the subject, even of the use of money under the circumstances stated; and that whatever obligation resulted upon a subject of this nature, resulted from the implied compact which was contained in the warrant, by which an annuity or a salary had been given to him.

Now, my Lords, I beg, that upon this subject I may not be misunderstood: I hope your lordship will not, when I am about to discharge my duty in examining into the correctness of those allegatious and the assertions which have been made as to the state of the common law of the land, antecedent to the passing of the act; and as to the operation of the act thereafter, not therefore think that I am flying from the charge of corruption and taking shelter under a legal argument. My lords, I am distinctly avowing on the part of the defendant, that he was under an honourable obligation, an obligation of compact, equally powerful upon an honourable mind to observe.

The learned counsel then entered into a very able argument, to show that it was no crime, independently of the warrant, to make use of the public money. But, my lords, said he, the declaration in question

that is made a criminal matter in the first article, respects a balance of 10,000*l.*, which was a balance of an ex-treasurer's account, arising prior to that act of parliament. It appears my lords in evidence, now, that it was the balance which at that period of time was not wanted for the public service. Nay, my lords, it further appears, that that 10,000*l.* balance, never was one farthing of it called for or wanted down to the time, when the whole of it was paid in: not only therefore was it no money that was wanted, but it was no money that could have been made use of by the public, because it is in proof before your lordships, by the officer of the exchequer, who was examined on this point, that respecting that, the public accountant was to hold that money together with whatever other balance he had as an ex-treasurer, liable to be called upon from time to time to pay demands of assigned bills of wages and of various other contingent demands; the period when they should be made, being altogether contingent, and he being bound to the full extent of it, to keep this balance in his hand, for the purpose of satisfying them: that by the constant usage of the office, that balance was never paid over into the hands of the public, until the accounts were passed. The ex-treasurer was in respect of that 10,000*l.* under no obligation legal, moral, conventual, or otherwise, as to the place of deposit. He might have put it in any drawer in his house; he might have left it with any friend; he might have deposited it in any private bank; he might have left it wherever he thought fit, with even no conventual obligation upon it, further than that which arose from his warrant, impliedly prohibiting him, by the nature of his agreement with government from deriving any possible profit from it.

The learned counsel denied that this declaration could be considered a crime, and complained of the misrepresentations which had been made on the subject of this sum of 10,000*l.* Many persons even yet supposed that the money had been lost to the public, and had never been accounted for by my Lord Melville; but it was to be recollected that this was not the

case. This 10,000*l.* had been paid by Lord Melville, and actually applied to navy services. The public had been no losers. It formed part of a larger sum imprested to the defendant as treasurer of the navy; and he had, between the time of its issue and its actual application to navy services, applied it to some other use of a public nature, which had not been disclosed. But it was applied to navy services as soon as it was wanted for that purpose. To refuse to disclose those intermediate purposes could be no crime. When a man is accused of an offence before a magistrate, it is no crime for him to refuse to answer. He has a good right to tell what he pleases, and be silent as to the rest. Lord Melville had adopted that course when he was accused by the House of Commons.

Mr. Plumer contended, that no application to purposes of a criminal nature, or to the defendant's emolument was proved; but on the contrary, was expressly negatived by the admission proved by Mr. Whitbread; and therefore there was no evidence to support the *first* or *tenth* articles.

He then remarked upon the statement of the solicitor general, that the tenth article was exhibited out of fairness and candour to the defendant, to apprize him particularly of the evidence which could be given against him. He thanked the honourable and learned manager for this indulgence; but expressed his surprise that this reason alledged by the honourable and learned manager should differ so completely from that alledged by the committee of managers, who in their report to the House of Commons on the subject of the facts they had discovered in Mr. Douglas's papers, stated their apprehensions that those facts could not be given in evidence under the other articles; and therefore submitted a new one to the house. And it so happened, that instead of calling the defendant's attention to the sums which were to be proved, it stated no particulars at all; for it stated, that he did, on divers days, &c. between the 19th August, 1782, and the 5th January, 1784, and between the 19th August, 1782, and the 1st January, 1786, take divers sums, &c. and yet without stating on what days or what sums this

was to be called a proceeding of candour to enable the defendant the better to answer the particular charges to be made against him.

That Lord Melville was not at the period charged in this article, at all likely to be receiving accommodation from the public money, Mr Plumer concluded was evident, inasmuch as the note from Messrs. Drummond's house, that the account was overdrawn to the amount of 2,915*l.* 13*s.* 10*d.* was in June, 1785; and it appeared that no sums were paid to his credit till the October and December following, when bills to the amount of 5,600*l.* were remitted from Scotland from his private resources. Now, I desire to ask your lordships, said Mr. Plumer, whether you will believe the noble defendant was in the habit of relieving himself and his banker's account by payments from the public money, when it appears here that upon the first notice he receives of his banker's account being overdrawn, what does he do? Does he put his hand into the public purse, and help himself out of all the balances? No, though it is in evidence before your lordships that there were at that time balances uncalled for by the public to the amount of 56,000*l.* That amount was unclaimed by the public for a considerable period. In 1791, there was 21,000*l.* of it left; so that from 1785 to 1791, there had been all the difference lying at the bank, not wanted for the public service, exclusive and independent of the 10,000*l*, to which I have before spoken. Now, if the noble defendant was relinquishing duty to interest; if he had brought his mind to give way for the sake of lucre and gain, and to pursue the one object at the expence of the other, is it to be believed that he would not have done it for some lucrative purpose; would he have been picking up shillings, would he have sold his dear honour and fame for comparatively nothing; his high rank, his elevated station, his estimation with the world, the darling object of his life? would he have given up all that to pick up little items of shillings in a banker's account, by relieving it from the payment of small sums of interest, which is the nature of the profit he has been supposed to make? If

that had been his object, why in God's name does he pay 56,000*l.* into the bank, when he goes out of office? He was under no obligation to do it, it was matter of perfect option to pay one farthing into the bank; why did he not keep it all in his own custody, dealing it out as occasion called for it, and in the interim making use of it.

Can it then be doubted, my Lords, that the actual payment of the gross sum of 56,000*l.* into the bank negatives all idea of corruption and intention on the part of the noble defendant to make use of the public money, or to aid his own private cash by the application of that which did not belong to him.

And here I would only just observe, that I hope your lordships will all along advert to this, that the question is not precisely what the honourable and learned manager, who concluded, might lead your lordships to suppose—" if we prove," I think his expression was, " that Lord Melville had made advantage of the public money to the amount of one shilling, we have substantiated the charge?"—I hope your lordships will not think that that, properly speaking, is the question; because if many shillings and many pounds of advantage were, without the knowledge of Lord Melville, without his privity, without his attention, without his direction, without his authority and consent, inadvertently, or by the management of others, at any time appropriated to his benefit, yet it is the *scienter*, the knowing, the corrupt intent which constitutes the guilt; and it is that, and that only, which must be unequivocally fastened upon him before your lordships can pronounce him guilty.

My Lords, I would only just observe, with respect to the charge of the continuance of a balance in the defender's hands, after the act of parliament. I do not know that it is necessary for me to advert to that subject at all, because I did not observe that the honourable and learned managers, or even, I think, that the honourable manager who opened the business, ventured to rely at all upon that, as constituting any crime whatever. In truth, it is clear it does not, because your lordships have only to look as the act of parliament

and see that it relates altogether from one end of it to the other to money that was issued posterior to the date of it; nay even to money that is issued from the 1st of July, 1785, and that it has not the smallest reference to any money that had been antecedently issued to the treasurer's account, as it stood before. All antecedent sums remained untouched, and both with respect to Lord Melville, and with respect to any one of his predecessors, was no obligation cast upon any one of them to bring their balances to the bank; but their option of keeping it rested intirely upon the same footing as it did before; and the same undoubted right to keep it in any place of deposit that appeared convenient to them. The circumstance, therefore, of the continuance after the act of parliament can in no respect constitute any criminality in this charge. He then adverted to the second article, which contained the charge of a supposed breach of the act 25 Geo. III. in permitting Mr. Trotter to vary the place of deposit, by drawing out the money for purposes other than an *immediate* application to navy services. The word *immediate*, he said, was not to be found in the act, but had been slipped into the article, to try the opinion of their lordships upon the construction of the act in this respect.

Your Lordships will observe, that in the terms of this article it is altogether confined to the bare transfer from one place to another place, not stating that it was done for any private purpose, but that it was a permission to draw from the bank to Coutts's for other than immediate naval purposes, not saying that it was not a transfer for naval purposes, but that those naval purposes were not immediate.

Now with great deference to your lordships, I deny that this is the meaning of the law upon this legal question, the construction of the act. I must entreat your lordships' indulgent attention to a subject of that dry nature, and I particularly wish it because my Lord Melville has been subjected to a great deal of popular clamour, upon the idea that he, the author of the act one day, breaks it the next. Now, my Lords, let us see the act, and consider it; and, unless I have most

egregiously mistaken this act, in every word and in every part of it, (and I have taken some pains not to do so) I do humbly submit that there never was a clearer question agitated in a court of justice upon the true construction of this law, than that what Lord Melville did, was not a breach either of the letter or of the spirit of the act; was not in the least contravening one single part of it, nay further, that if this law were what is contended for on the part of the prosecution, what your lordships are all desired to assert it to be upon your honour, upon the footing of which your lordships are to convict Lord Melville of a very high crime and misdemeanor, no time ought to be lost in repeating it, as one of the most mischievous destructive laws that ever passed against a meritorious class of men: that it would arrest the service of the navy, the whole conducting of the office; and that it ought to be repealed in a day, at the peril of the terrible consequences that would follow if it were not. Nay, my lords, I will go further and say, that if their construction of the act be true, this act is violated every day and every hour; and that it was violated by every one of the defendant's successors; nay, violated after an unsuccessful attempt made on the part of the treasurer, who put that construction upon it, and which is attempted upon the part of the prosecution; but he has told us it was impossible to do it; that the public service could not have gone on: I say that if Lord Melville had been the author of this bill, and the construction were that which is contended for, if he had brought it in, knowing his duty, and the nature of the service, he must have been a most flagitious treasurer to have brought in an act which must have been so ruinous to the service.

He then entered into a legal argument upon the act, to shew that it was not intended to take from the treasurer the power of drawing the money from the bank for navy services, and depositing it in such place as he might think was calculated to promote the convenience of office, until it were actually wanted to be applied for naval services. He explained the evils which existed at the time of the passing of this act,

and which the act was framed to remedy, were of a very different nature, and of far more importance, than that of keeping the money in the bank, out of the controul of the treasurer of the navy. The object of the act was to establish a new system of accounting. Before it passed, treasurers' accounts could not be audited for twenty, thirty, fifty years. After they ceased to be treasurers they did not cease to perform the duties of office, but continued to receive and disburse money for ten or more years as ex-treasurers. Sometimes there were eight or ten different accounts of different treasurers of the navy, carried on at one and the same time, in the same office, and by the same clerks, when the business of one treasurer was abundantly sufficient to employ them. This created a vast arrear of accounts. The object of the present act was to put an end to all this inconvenience. It was to make the treasurer when he goes out of office, transfer all his balance to his successor, instead of keeping the money in his hands; but the act never intended, during the time he was in office, to prevent the treasurer from lodging a part of the money at a private banker's, or in the iron chest of the office, or in the hands of the sub-accountants, until the time it was actually wanted to be paid to the public creditor, provided it were fairly done for the supposed purpose of official convenience (as was the case with Lord Melville).

It is thought unnecessary to enter into the particulars of this argument, as the judges have by their opinion decided the question according to Mr. Plumer's construction of the act.

Mr. Plumer then entered upon the consideration of the *third* article, which, in addition to what is contained in the *second*, charged the privity and connivance of Lord Melville, at Mr. Trotter's use of the money for purposes of advantage.

Your Lordships, said he, will have the goodness to observe first, negatively, what this charge is not. It is not a charge against my Lord Melville for negligence,—it is not a charge that, by his omitting to keep a vigilant and a superintendant eye over the conduct of his paymaster, the paymaster was enabled

to be guilty of the abuses which have been proved, but the charge is, that he, wilfully, knowingly, illegally, and fraudulently connived at, permitted, and authorized all that was done; and that is the question. In this article, and in all that follow it, your lordships will see, that the impeachment does not, in any part of it, proceed upon any thing that Lord Melville in the regular course of his duty omitted to do, and that by reason of that omission, abuses crept into the office under his general superintendance;—but it is a charge of a much greater and higher nature,—not what he omitted to do, but what he did; that he did know it, and, for corrupt purposes, confederated and participitated with Mr. Trotter. In truth, that it was a corrupt confederacy between Lord Melville and Mr. Trotter, to enrich themselves by a breach of official duty.

He then stated the substance of the other articles, and continued as follows;

Now, my Lords, I egregiously deceive myself, if, after a most attentive and accurate comparison of the charge with the evidence, I should not be be able, even with the feeble powers I possess, to give your lordships satisfaction, not only that the charge as framed is not supported by the evidence; not only that there is not any balance of testimony upon the subject, but that the evidence adduced by the prosecutor has totally failed him; that the charges are directly, positively, clearly, and satisfactorily disproved in toto, by the very evidence adduced in support of them.

My Lords, the subject of this charge introduces your lordships to the account of that person who was the principal actor and witness in the whole business, Mr. Trotter; concerning whom your lordships have heard an account who he was,—how introduced to my Lord Melville,—the situation he occupied,—and the part he took. Much observation has been made upon the conduct of Lord Melville, and much inference drawn from his having committed the care of this business too much to Mr. Trotter. That he delegated to him a considerable part of the duties of

this office without a due examination; that the permission he gave originally to draw, was enough naturally to awaken suspicion; nay, that the first permission to draw, was a corrupt act; it was done for the very purpose of the use that was afterwards made of it. This permission was the commencement, in the year 1786, of that systematic plan of corrupt confederacy which pervaded the fourteen following years prior to Lord Melville's quitting this office in 1800. The honourable and learned manager, who selected what the managers conceived to be the evidence which constituted the proof the charge, stated the advances to Lord Melville of the sum of money laid out for his benefit, consisting principally of four distinct items, viz. the 13,500*l.* of India stock, the loyalty loan, the sum of 2,000*l.* of India stock, the sum of 7,000*l.* 3 per cent. reduced, and some remittances to Scotland, to constitute the ground upon which this heavy charge is made against Lord Melville.

Now, my Lords, the account given of Mr. Trotter, is this: That in the year 1786 (after the death of Mr. Douglas) he was introduced to Lord Melville, to whom he had before recommended himself by the very useful regulations in this very office, which he had suggested. He had been a clerk in the navy pay office, and was very conversant with all the details of the business of it. A gentleman stated to be of creditable and opulent connections; is proved before your lordships to be the son of an opulent banker; the brother of an opulent banker; who has another brother, engaged in large mercantile concerns; and that he was of a wealthy family. A gentleman, stated by the honourable manager to have been, with the exception of those transactions which were for the first time discovered in the year 1803, in all other parts of his life, (and the honourable manager has certainly had better means of knowing all his history, and longer communication and acquaintance with him perhaps than any body else; for in the course of his duty he has been led to make those inquiries, and has had frequent interviews with him.) I say the honour-

able manager has stated of him, that in all other parts of his conduct, either his public or private life, he stood free from all imputation whatever. A man of high estimation, of reputed probity and integrity, a man conversant with figures, with the detail of all the business of the office; a man, as your lordships have seen, from his demeanour and deportment before you, not wanting in understanding; a man of ready and comprehensive mind, and of accurate information upon all the business committed to him.

The honourable manager introduced the account of Mr. Trotter, with stating him to be a gentleman of unspotted private character; of very amiable manners, recommended by every thing at that time which could give confidence and credit to him in the state in which he stood: the additional circumstances of recommendation, particularly to one in Lord Melville's situation, were his accuracy and knowledge in that species of business which it was quite impossible for his lordship, and to which his own natural habits certainly never led him to give any attention; but, in addition to that, recommended by the circumstance of his merit as an officer in this department, and by the useful and important regulations which he had been the means of enabling the noble lord to reduce into that wholesome and useful system and code of laws, which have been so fairly and candidly spoken of, by the honourable manager who opened this charge.

It therefore cannot be said that it was unnatural, and at this time, that Lord Melville should transfer all his confidence to such a gentlemen.

My Lords, the honourable manager has stated, that this gentleman, even after all that has passed, is a person to whom your lordships might give full confidence in every thing he said.

The honourable manager stated that he had been employed, not only by Lord Melville, but by the treasurers who succeeded him, two persons of undoubted honour and probity.

The honourable manager was also pleased to state, that it was very fortunate that what Mr. Trotter should say, would be confirmed by books; that in

every statement his veracity was established; that it was most fortunate for the prosecution, and for Mr. Trotter himself, that he was able and living to give his testimony.

Your lordships will all remember, that the testimony of Mr. Trotter, considered as the main pillar of the prosecution, was deemed so important, as to be the subject of one act of parliament, and to give rise to another, for the purpose of removing every possible obstacle, in the way of having this important witness brought forward to substantiate the charge; that he, the accomplice, was to be received into indemnity and favour, provided he would give testimony against the principal,—against the person who was concerned with him in this joint and mutual guilt.

Now, my Lords, what is the situation in which Mr. Trotter is brought forward as a witness? I entreat your lordships to consider, whether there ever was a witness brought before a court of justice, who had stronger motives to give testimony hostile to the defendant? Whether there ever was a witness brought forward under circumstances (if he could be capable of attending to them,) of stronger bias upon his mind, than Mr. Trotter, because there cannot be supposed to be any inducement to him to give false testimony favourable to his fallen patron; for by speaking the truth, and discovering the guilt of Lord Melville, if he be guilty, what is the situation to which he recommends himself to?

He recommends himself to his own conscience; he recommends himself to a powerful prosecutor; and has the best hopes, not only of protection and indemnity under that bill, (which has made it an express condition of his indemnity, that he should speak the truth distinctly, fairly, and explicitly; and which, therefore, if he forbore to do, he would violate all title to the protection under that bill of indemnity); but, in addition to that, my lords, he would subject himself, and justly subject himself, to all that species of civil prosecution, by which he and his family are to be involved in ruin, and the produce of the labour of his whole life taken from him.

I hope, my Lords, I do not overstate it in saying, that a witness standing in this predicament, has, undoubtedly, no inducement that can operate upon his mind, to give any testimony favourable to the defendant; but certainly every motive that could induce him (if the truth would permit) to give testimony against Lord Melville upon this occasion.

But, my Lords, in addition to this, consider not only has Mr. Trotter every motive of private interest to transfer the guilt to Lord Melville, but by taking it all upon himself, and by completely exonerating his lordsdip from it, what an accumulation of odium does he take upon himself, what perfidy, what abuse of trust and confidence, what misery brought upon his patron and protector, does he thus authenticate by his own evidence, and heap upon his own guilty head.

My Lords, he would naturally say, I am not the man that I have been thought to be; I did not act in this instance without the full explicit authority of the noble defendant for all that I did; I was not treacherously betraying him; I was not secretly, and without his knowledge, acting upon this subject, but he has to answer for all that was done. He participated in it; I, the subordinate, obeyed his orders in what I did; and he is at least equally responsible with myself. Undoubtedly, my lords, that view of the subject would have taken off the reproach upon Mr. Trotter, for having acted in the manner that he did, without the knowledge, without the participation, without the connivance, without the encouragement, without the authority of his principal.

Now, my Lords, if after all that has passsd it should turn out upon examination, that this person does speak out, and do away all the mystery, all the doubt, all the suspicions that once justly hung upon this transaction; if he now comes forwards, under all those circumstances, before this great tribunal, and in the face of the public, distinctly avows upon his oath, that the acts were all his own unauthorized acts, without the knowledge of the defendant, without any thing to lead him to the knowledge of it, for his own exclusive gain —for the entire unparticipated profit of him (Mr.

Trotter,) of which he never rendered any account, or communicated one single circumstance, to rouse the attention of the noble defendant to it—engaged as he knew him to be in public concerns—and inattentive as he also knew him to be to matters of this description. Can any honourable mind hesitate to believe, that that is a true statement of the case.

Now, my Lords, I will examine every one of the circumstances in detail, and I hope to be able to satisfy your Lordships, that upon the evidence before you the instances selected for the purpose of proving corrupt confederacy in the defendant, and a participation of guilt with Mr. Trotter, when they are correctly examined, fairly afford an inference directly the reverse. My Lords, the history of these transactions commences with the year 1786. Your lordships will permit me now to possess you with what appears upon the evidence to be the situation of Lord Melville at that time. In the 1784 he had been appointed president of the board of controul, in which office he continued for a period of seventeen years, for the first nine of it performing the duties of it without salary. This was at the first establishment of that board, a period in which the affairs of the East India Company had been recently under the consideration of parliament, and were in a very dilapidated state, and called for all the vigour and energy that could be directed to the restoration of prosperity to our eastern empire. It is in proof before your lordships, that Lord Melville was a vigilant, and active, and laborious servant of the public in that department, bestowing his daily and unremitted assiduity and care to the duties of that office under circumstances of considerable difficulty.

In the year 1791 a very memorable period in the annals of Europe, and particularly of this country, (when certain principles threatened the destruction of the constitution; and when a revolution in a neighbouring country had created so much alarm in this,) Lord Melville, by means of the vigour and energy of mind which he possessed, was appointed by his Majesty secretary of state for the home department; a

department which particularly required vigilance day and night. All the concerns of the country were necessarily brought under his superintending management at that period. In the year 1794, when new difficulties threatened; when, besides all the alarm that prevailed at home, we were involved in external war by an inveterate enemy, Lord Melville was appointed secretary of state for the war department, and continued in that situation till the year 1801. I may be permitted to say it, as the fact is known to many of your lordships, that the noble defendant was called upon to fill those situations much against his own inclinations. He was called upon by his Majesty to fill those high departments of the state in moments of the greatest peril at home and abroad, performing certainly a plurality of duty; but your lordships will observe, that during the very same period, when he is supposed to have been guilty of those corrupt transactions with Mr. Trotter, he unnecessarily and voluntarily, while he was performing all the duties of these situations, forbore to receive the legitimate salary belonging thereto to the amount of upwards of 34,000*l.* Now, my Lords, surely these are not vestiges of a corrupt money-getting man, who could, without the sacrifice of any duty, without the relinquishment of any trust, without any risk to his honour, to his character, or to the constant legitimate usage of the situations in which he was placed, had voluntarily given up to the public a sum so large as this.

I hope your lordships, therefore, in the entering upon this subject will believe, that if there should in the progress of this business appear to be circumstances of suspicion, they are easily referable to that active, vigilant, and proper attention which he was paying to matters of more importance to the neglect of his private concerns.

My Lords, in addition to this, consider it upon the head of gross improbability. Is it to be concieved? I had almost adopted the language of the honourable and learned manager, and asked if any one above the degree of an ideot could have embarked in this supposed concern under the circumstances now stated,

My Lords, only consider for a moment in the first place what was the risk attending it. Mr. Trotter was drawing large sums from month to month for the purpose of laying them out in all the various speculations that he engaged in. Consider what was the situation of Lord Melville, to have known and to have authorized such an account; what was the risk he underwent? In the first place, was it not a subject of infinite peril and danger? What was the nature of it? Infinite peril; and the consequences of detection must infallibly have been the downfall and ruin of the noble defendant, who could never expect any mercy to be shewn him; for it was obvious, that if ever it should be discovered, undoubtedly the minor offender would be protected and made use of to give evidence against the major, as it ought to be. If, therefore, he was engaged in these foul transactions all the risk was his. Now, my Lords, if Lord Melville could, under the circumstances that I have stated, have brought himself to engage in these transactions without any restraint of principle or regard to his character, surely you would have expected there should be an adequate object. Do men throw away their character, or risk it for nothing? My Lords, what is the result proved by Mr. Trotter? I take it now in the outline of his evidence, before we enter into the particulars. For fourteen years this system is carried on. Surely, my Lords, if it was a joint concern, he who risks most ought to have most; he whose principal risk was of high station, of high name and character, to engage as a dormant partner in a business of this nature would at least expect to have a very considerable share of the profit. Now, my Lords, what is the account given by their own witness upon the subject? That after fourteen years the profit was exclusively Mr. Trotter's. So that we have my Lord Melville giving his name, his countenance, his sanction, and his authority to transactions of this description, attended with this risk, and this departure from all principle, and give the whole unparticipated profit to Mr. Trotter. Now, my Lords, was there ever such an extraordinary union of generosity and

avarice; seeking for money to the dereliction of all principle, and engaging in a plan of stock jobbing to obtain it, and at the same time transferring the whole unparticipated profit to the subordinate. I believe this is a new transaction in the history of the world. Besides, my Lords, if he had devoted his mind to it; if he had forsaken the public duty, and bound his mind to money, consider what were the stations the noble defendant filled, and what the command of money he had under his controul. When we hear that a *hundred and twenty millions* went through his hands; when we know there was not a month that he had not abundant opportunities, without the knowledge of Mr. Trotter, to have accumulated wealth to any amount his avarice would have dictated; and yet, my Lords, it is admitted that the state of his fortune, and all he possesses in the world, give a negative to the supposition. Indeed, the proof of the manner in which he recognized his debt to Mr. Trotter, at the end of the treasurership, when gathering together all he had in the world, and scraping up all he could by the assistance of an affectionate son, borrowing as he did from his banker, upon the personal security of that son himself, to make good what he owed to Mr. Trotter, completely negatives the idea of any hidden treasure, or of any sum he had ever amassed throughout the whole of his long and laborious services.

My Lords, I should hope that it would require, under the circumstances I have stated, the most decisive body of evidence to raise a belief of a charge of this nature. But, my lords, let us see what positive body of evidence there is upon the subject—the first circumstance that is introduced as proof of corruption in Lord Melville, is the permission to Mr. Trotter to withdraw the money from Mr. Coutts's house; and, it is said, that this was a corrupt transaction; that it was done for the purpose of making use of it to private emolument; that all the rest was cover, pretext, a veil, to remove it from one place to another *upon pretence* of official convenience, but that the real object and motive was private emolument; and this is se-

lected now as the first proof of the corruption of the noble defendant.

My Lords, all the hypothesis upon this subject does, in this instance, as it does in almost every other, consist of very ingenious arguments and reasonings, but, unfortunately, directly in the teeth of the evidence that the prosecutors have adduced in support of it. For I have only to refer your lordships to the testimony of Mr. Trotter, which has directly negatived that charge in toto. He swears, in the most direct and positive terms, not only to the negative of the purpose of private interest or emolument, having actuated either party in what took place; but he has sworn, he had not the object of emolument in view, even himself, at the time he made this proposal to my Lord Melville. It can hardly then, I think, be said, that Lord Melville could know an intention in the mind of Mr. Trotter; which intention Mr. Trotter has denied upon his oath, that he himself entertained at the time. And are we in this instance, instead of confirming the testimony of the first witness for the prosecution, instead of doing as the honourable manager said, you are to believe every word he said, to draw inferences directly in the teeth of his evidence. He then entered into a good deal of argument, to shew that the question was not, whether the lodging of money at Coutts's was a measure of sound policy, and a better plan than any other which could be adopted; but, simply, whether Lord Melville fairly believed that to be the object. And contended it was most natural, when a representation was made by a person so circumstanced as Mr. Trotter, that Lord Melville should suppose he was the better judge of what would promote the detail of the office, and should consent to the arrangement because he really thought the object was the good of the service.

With respect to Lord Melville's admission before the commissioners of naval inquiry, that he supposed Mr. Trotter derived profit from the money at Coutts's, he contended it went no further than that his lordship admitted, he gave Mr. Trotter leave to lodge the mo-

ney drawn from the bank for public purposes, during the time it was not required for those purposes; and he did suppose it might be some advantage to Mr. Trotter so to lodge the money. The nature of this advantage is explained by the testimony of Mr. Whitbread, to be that of an allowance of interest, after the manner of the Scotch bankers, upon the balances lodged. This erroneous supposition, as to the nature of the emolument, shews Lord Melville's ignorance of what the real emolument was; and from the circumstances of improbability before stated, it could not be supposed Lord Melville was aware that the money was speculated with, and not safely kept at Coutts's, to be ready when called for.

My Lords, continued Mr. Plumer, the transactions next relied upon in proof of corruption are the purchases of stock.

I take first the purchase of India Stock in 1789 and 1790.

Now my Lords I beg to ask am I to take this to be a real transaction or a fictitious one, that is to say, was all this colour, pretext, sham, or does it represent the transaction as it really was?—If the managers say it is sham their own witness is a perjured man, and yet they have said we are to believe every word he says, and they have opened this evidence in detail exactly as it has been proved. I think, therefore, it will not be said, but that I am to take this transaction to be a real one. And I ask your Lordships whether this transaction does not furnish the most decisive negative to the charge of corruption and privity which is made against the defendant.

My Lords, in the first place this transaction happens in 1789, three years after the supposed systematic plan of corruption had been going on between Lord Melville and Mr. Trotter, during which the former had been authorizing the latter to make an unlimited use of the public money for their mutual benefit. Then how do we account for it, that, in a private conversation between this Mr. Trotter and Lord Melville, alone, where there was no necessity to put on appearances, no third person hearing what was passing, these two partners in iniquity, who were going on in cor-

rupt dealings with the public money, and had been going on so for three years together; that upon Mr. Trotter suggesting to Lord Melville the propriety of his becoming a purchaser of India Stock, in consequence of the good opinion which his Lordship had uniformly in public and in private announced, Lord Melville should make the observation he did. Mr. Trotter says, "I observed to his Lordship, that if "he was impressed with so good an opinion of that "stock, that I thought in consideration of his own "interest he ought to invest a sum of money in that "stock."

Now my Lords, mark what is the first answer by this corrupt defendant, who has the command of the public money. There was 100,000*l.* balance then lying, as is proved, at the Bank and under his own controul and management, which he had only to open his mouth and intimate to Mr. Trotter to lay hold of, for he is supposed to be actuated by habit, by inclination, by three years practice, in the course of drawing upon that fund to administer to his own interest. What is the answer given?—An answer in private to that very person, the agent, the manager, of all this corruption. Did Lord Melville say, go and take the money from the Bank, as you have done for three years together, and lay it out for me, there is the fund?—No my Lords! Mr. Trotter says, "His Lordship's observation seemed to throw it "aside, by saying that he had no money to invest in "this stock." No money to invest in it! Why did not his agent exclaim, "My Lord, what is the matter "now, for three years before you never had a doubt "about it, here is the fund you have been always "using, you have no money! why here is 100,000*l.* "you may have whenever you please, how can you "have forgot yourself so much as to suppose there "is not money enough." Yet some how or other, when it was suggested to him, the not defendant had forgotten all he had been doing for three years, and that too with the very person who had been conducting all this business. Then says Mr. Trotter, "I mentioned to his Lordship, that there were con-

" siderable balances lying in my hands that were not " called for, and in all probability would not be " called for from circumstances that I need not per- " haps relate at this time, but it was money lying " unclaimed in my hands; which it would not be " necessary to advance to the public until they were " claimed, and there was no prospect of that claim " taking place soon," I mentioned to him! What is this *new* information to him! you mentioned to him! why he knew it three years before! why tell him of a fact that he had been acting upon for three years together? In the next place Mr. Trotter says, " I ad- " vised his Lordship to give me leave to lay out so " much of that monev as would buy about 13,000*l.* " or 14,000*l.* East India Stock." You advised him give you leave! why you were one of the partners, why did you not go on and do it, what leave was necessary?—It was under the general power and authority you had three years before. What did you want a leave for?—" I advised him to give me leave to " lay out so much of that money as would buy about " 13,000*l.* or 14,000*l.* East India Stock." What is his Lordship's answer to that?—Did he say, " Oh to be " sure, go on as before, we have been jointly making " good use of public money, month after month, ba- " lance after balance, go on as you have done, buy me " this stock." But instead of this it " seems his Lord- " ship refused in the most pointed and decided man- " ner, insomuch that I was afraid that I had incurred " his Lordship's displeasure by proposing it."

Now my Lords, how is this reconcilable to the theory stated? Why reject it—Why in this instance reject a proposition which he is all along supposed to have countenanced, adopted, and encouraged for three years together?—How does it happen that in this very instance (the first proved to have been made to him) he refused it in the most pointed and decided manner; nay, this paymaster, who was this joint accomplice of all his criminality, and who had been authorized by him from time to time, to do all that he did upon this occasion, says, " I was afraid I had " incurred his Lordship's displeasure by proposing

" it." Why his displeasure? How is that to be reconciled with a continuing approbation of the thing? Why is that displeasure to be incurred by what he was always encouraging, ordering, and commanding? How is it to be reconciled? But what is proposed? Why this Mr. Trotter knowing perfectly well, not a a stranger who was not privy to all that proceeded for three years; but this same agent proposes a substitute, he, in private with Lord Melville, proposes to borrow money from an individual to supply the Treasurer of the Navy, who had 100,cool. of his own, at command, and according to his course of business had the full controul and power of that sum. Why should he be going to borrow money of a private individual? and yet that Mr. Trotter did; he says, I mentioned that I had a relation, and so on, in short I made it an easy matter to him; then he applied to Mr. Lind, and did what is stated to your Lordships. My Lords, upon this subject, as opposed to this account upon oath by their own witness, what is done by the honourable manager, who sums it up? nothing but to oppose very ingenious observations upon the improbability of the transaction, to shew it to be a transaction, that he says nobody above the degree of an ideot would have given into that upon the face of it; it is one that could not possibly have gone down with any body; these are very ingenious observations, but unfortunately directly in the teeth of his own witness. We have the observation of a manager who speaks it is true, with great authority, and he is opposing his averments against the positive testimony of his own witness, who the other manager, in opening the case, told us was to be believed in every word he says; what a great contradiction is there here between the two managers; for one who opens the case, tells you to believe every word of it, the other sums up and makes observations to induce you not to believe one word of it; for if it be all sham, contrivance, and pretence, then the whole account given by Mr. Trotter is false, then we are not to believe a word that he says. Now which of the two managers am I to believe, the one who tells me I am to believe

every word, or the one who tells me I am not to believe one word? Yet in this dilemma I am, with the accounts all before your Lordships, and this is selected as the first instance upon which you are to ground your judgment, against all probability, against all the surrounding circumstances, that I have stated you, are upon the positive evidence of their own witness, disproving in toto every syllable, and every suggestion in it. You are to lay it aside merely upon suggestions theoretical and ingenious, arguments opposed to their own testimony, upon oath, by their own witness.

My Lords, I could have wished very much, that the honourable and learned manager would have stated what his hypothesis is, the account given by the witness: what do you believe of it? Do you believe that money was lent to Lord Melville to the amount of 23,000*l.* to enable him to purchase the stock? Your witness has sworn it. Do you believe that after it was lent, interest upon it was paid to the amount of 1150*l.* a year, from the first advance of the money, down to the termination of the settlement in the year 1800? Your own witness has sworn it. That the interest was regularly debited as upon a private loan, and that Lord Melville from year to year paid out of his own private pocket 1150*l.* interest, for the loan of this money. Do you believe that 3000*l.* of the capital of 23,000*l.* originally lent, was repaid by Lord Melville? Your witness has sworn it, according to the testimony given by Mr. Trotter, interest to the amount during the whole period of 11,500*l.* was paid besides the 3000*l.* capital, which will make 14,500*l.* as the sum Lord Melville paid out of his own pocket at least, upon the supposed reality of this transaction.

Now I beg leave to ask, whether if Lord Melville was the corrupt man stated, borrowing his own money, that money which he had the command of, any man above the degree of an ideot would have paid 14,500*l.* out of his own pocket, upon a contrary supposition? Nay, my Lords, it does not stop there, for at a subsequent period, he actually repaid 20,000*l.*

of the capital, besides the 14,500*l.* as he supposed, to the person that had originally lent it him, (for it is positively sworn by Mr. Trotter, that he never disclosed to him, that Mr. Lind was not the lender of the money till after the publication of the tenth report), that is to say, 34,500*l.*; had Lord Melville paid upon the belief of the reality of this transaction, which your Lordships are now desired to believe was all a fiction, all a sham, directly contrary to their own evidence upon the subject.

But my Lords, upon what theory, upon what principle, is it that your Lordships are to do away all this testimony, and that in a criminal case? Your Lordships are to do it upon the ground of improbability, that money could be raised in the way proposed, viz. upon the security of the stock; and the learned manager stated, that nobody above the degree of an ideot could be imposed upon by such an account of the transaction; nay, that a common money lender would be laughed at and scouted for such a proposal, and here is a noble person, conversant with business all his life, is imposed upon to believe such a transaction as this.

My Lords, he has given the best proof, that he believed it to be true, by paying the money; you may theorize and speculate as you please, upon what he did and what he did not believe; but that is a more solid proof of belief, than any thing that your ingenious arguments can raise against the reality of the transaction. But what becomes of all this theory, that nobody but a driveller would do it? Is Mark Sprot quite such a driveller? Is he upon money matters quite such an ignoramus? I think your Lordships have had a specimen, that he looked pretty carefully when he advanced his money. You heard the account he gave of that; now this improbable transaction happened accidentally, to be a transaction of a similar nature to that Mark Sprot engaged in; for he lent money upon stock alone, without any bond upon it, or security of any kind whatever. He at a subsequent time actually lent money in that mode, which we are told nobody above the degree of an ideot would have

done, to the amount of 50,000*l.* Now what becomes of speculation, theory, and ingenious reasoning against fact? Here is accidentally a gentleman conversant in money transactions, who has done the very thing that you suppose no man living above the degree of an ideot would have done.

My Lords, no personal securities accompanied any of these loans with respect to this transaction of the India Stock; does it afford any proof in the world, but the proof how extremely careless upon money matters Lord Melville was? This transaction is pursued to its final history, travelling through the account of the stock, whose name it stood in, and a question was put, how was Lord Melville to have been able to have realized any claim he was to make upon the stock, supposing it ultimately should turn out to be a beneficial concern, inasmuch as it did not stand in his name.

Now what is the fair inference from that reasoning and theory? Why the proof in what a negligent and careless manner Lord Melville conducted his money concerns, and surrendered them to the care and management of Mr. Trotter. My Lords, undoubtedly, if Lord Melville had turned his mind to this subject, if he had been employing the public money upon this occasion for the purchase of stock, to be sure he would have taken care not to pay interest upon it; to be sure he would have taken care to see that the stock stood in his name, in order that he might have some valid and solid security for it; to be sure if it stood in some other name, he would have taken care to have from that other person, a declaration of trust that it belonged to him, and not to that other person. Lord Melville never enquired any more about it, "I never told him," says Mr. Trotter, "whose "name it was in, it was in Mr. Lind's name for a considerable time." I would ask the honourable managers what is your hypothesis? Do you believe Lord Melville at this time sacrificed his duty to buy this stock, and then became so indifferent about it, that he never enquired in whose name it was, and never looked after it at all? Is that the natural consequence

of your hypothesis, or is it not reconcilable with mine, who say he was a person totally withdrawn from all attention to money concerns, and in this instance has shewn it, by not having realized to himself any power of following that stock and making it his own. If it had happened that Mr. Trotter had died, and his books were not forth-coming to prove the nature of the transaction, undoubtedly Lord Melville's name never appeared with respect to the stock, and his representatives could have no legal right by which they could have realized his right to his stock, and by which they could have shewn it to be his own.

My Lords, therefore, this which is put in the front as the largest, the most important ground of corruption, as that upon which your Lordships are to build your judgments, and to pronounce the noble defendant a wicked and corrupt man, stands now contradicted by the testimony of their own witness upon oath, in all its parts; stands contradicted by the res gesta, by the plainest and clearest proof. Surely then there must be an end of all suspicion of the noble defendant, when such are brought forward as the vestiges of that suspicion, when we see upon honourable minds that they are so blinded as to put this first as a proof of guilt, which, when fairly and correctly examined in all its parts, leads every rational mind attentively considering it to be a conclusion directly the reverse; and if all the others were disputable, if all the others remained not open to the same observation, this one instance I thank them for putting it forward. It is worth a thousand to fix at that time, and throughout the negative, that during the whole time Lord Melville could by possibility, consistent with the history given, have had any knowledge, belief, or suspicion, that it was public money, or that public money could legally or properly be applied to such a purpose.

My Lords, the next transaction of the stock is the loyalty, this was a transaction your Lordships will remember in the year 1797. Your Lordships will in the first place advert to the date in the year 1797, that is eleven years posterior to the commencement of

this corrupt confederacy between Lord Melville and Mr. Trotter. Your Lordships will also remember, that Mr. Trotter had said with respect to the last, that it was the only instance in which he had made a proposition to Lord Melville, to purchase stock with the public money.

In the year 1797, your lordships will all remember (it is matter of public notoriety) what was the state of public affairs. It was a period, perhaps, of the greatest depression of the country, I think the public stocks were as low as forty-seven; there was a mutiny in the navy; the bank had stopped their usual payments; and it was considered proper for public men to come forward and aid and assist the public credit, in every possible modes that could raise the sinking and depressed spirits of the nation.

Will your lordships permit me to ask, whether this was a period which a person, desirous of enriching himself by purchase of stock, should have selected as the one most favorable for such a plan? One who was in a situation to be most cognizant of the state of affairs? But we find here eleven years had passed when he never once had purchased stock out of the public money in any of the periods most favorable to it; but he is now supposed to have done it for a private purpose, under the circumstances I have stated, and when it appears that this stock, after it was puchased fell, as it was clearly foreseen would be the result, from ninety to seventy-two. It was at a discount of eighteen *per cent.* as is proved by evidence. This is but a very bad beginning of your money speculations, if this is your first attempt, if you have been eleven years and never done better than this; eighteen *per cent.* loss upon the purchase you made upon stock.

But, my Lords, can no one suggest any other object, or any other motive, why a public man, at this time, should offer his name as a subscriber to the amount of 10,000*l.* loyalty, without having any pecuniary object in view? I need not give in proof, what is matter of perfect notoriety, that that illustrious person who has been frequently alluded to (Mr. Pitt) did,

at the same moment, subscribe the same sum of 10,000*l.* one, certainly, who was not very largely gifted with the means of possessing himself of funds to the same amount.—In truth, your lordships, in looking over a list of those who did subscribe at that time will see, that public men in great situations, as well those who could conveniently do it as well as those who could not, were expected to come forward to aid and assist the public credit at that time.—Can any body doubt that that was the origin and the commencement of it? That it was not with a view to any benefit, but that that was the view with which public men did come forward at a considerable loss to themselves at the time.

Mr. Trotter has proved that, in the origin, it was not an act of his; that he gave no directions for the purchase of it; that he had no knowledge of the purchase of it; and consequently this instance, in which Lord Melville is supposed to have applied for the public money, to purchase it, is the instance in which it is purchased, not by Mr. Trotter, who was the necessary agent to have bought it with the public money if that was the object.—Does not this negative the design? does it not cut off this transaction from the cause of dealing between Mr. Trotter and Lord Melville, and show that was not the design of it when it originated from another quarter? and when the history belonging to it gives to it another motive and another origin?

My lords, being bought, and the installments furnished, the course observed at that time by those who wished to give currency and credit to this subscription was to have sold it out, after the first installment; the first installment was paid, the depression of the stock to the amount I have stated of eighteen *per cent.* together with the attention of Lord Melville to the subject, prevented the immediate sale of the stock.—There was a necessity of paying installments from time to time, during the year of 1797, as they became due.

Mr. Trotter has sworn that, without the knowledge of Lord Melville, without the least communication to

him, he advanced these installments from time to time as they became due.—It is quite clear, therefore, that in its origin, and in its progress, as far as I have stated to your lordships, it had nothing belonging to it that has the least appearance of a corrupt transaction.

My lords, there is one proof which appears to me decisively to strip this case of every suspicion that might belong to it of its being a corrupt transaction. It is in the first place proved, that the last payment made upon the loyalty stock was upon the 27th of September 1797.—Now the document to which I refer is the letter to Messrs. Coutts, dated the 28th of September, the very day after the last payment, by which Lord Melville authorized Messrs. Coutts to dispose of this stock intirely, to sell the whole of it out immediately, together with other stock, for the purpose of repaying the whole principal, and all the dividends belonging to it, to make good the installments that had been made by Mr. Trotter in the way described.

Now the coincidence of the date following the last payment is surely satifactory to show that Lord Melville considered this to be a private debt of his own, to Mr. Trotter.—That Mr. Trotter had furnished him with the means of making these payments, and that he possessed Mr. Trotter with the means of repayment, of indemnifying himself for the whole amount of whatever had been advanced on this account.

My lords, with respect to all that passed afterwards, I do not mean to state, that this article is not stated by Mr. Trotter to be carried to the chest account, from whence an inference has been drawn, that Lord Melville had knowledge that it was public money that had been furnished for the purchase of this stock. Now, my lords, I would only submit it to your lordships' candid consideration, whether the chest account, which has been erroneously supposed to be a public account, was ever examined by Lord Melville, so as for him to know that the loyalty loan had been transferred to it. Mr. Trotter states, that he did not inform Lord Melville he intended to

make the transfer. He made the transfer from an anxiety, an attention to his own interest. Lord Melville, he says, neither approved nor disapproved it. He took the accounts without consideration. The transfer appeared upon the face of the accounts. Lord Melville, he says, always signed the accounts before he parted from him, and he never was with him a sufficient length of time to enable him to examine them particularly. He does not know that Lord Melville ever examined any of the accounts with the vouchers. But it is said, Lord Melville signed the accounts, and a duplicate was left with him, and you are asked to suppose he afterwards read them. Now, my lords, I should be glad to be informed whether it is probable that, if Lord Melville's confidence in Mr. Trotter was so great as to induce him to do that act (of signing the accounts) which authenticated them, and, in a civil point of view, made Lord Melville responsible for their contents, he should, nevertheless, afterwards have the curiosity to look into them? What purpose could such a subsequent examination answer? Upon the whole of this evidence that the noble defendant is to be considered in the light of a public man unused to business of this nature, unpractised in accounts, and totally averse to them, with his mind at that period occupied in parliament, and out of parliament, with the different duties that belonged to the stations I have stated, with the entire confidence he reposed in Mr. Trotter individually, never thought it necessary to examine minutely the measures which Mr. Trotter had adopted for his own security. I submit to your lordships, that the whole history of this business is incompatible with original corruption; that the progress of it, in every part, is inconsistant with it; that Lord Melville had conducted himself in a mode that had delivered his mind with respect to it, and which led him to that without ever adverting afterwards to the subject, as your lordships evidently see he never did advert to the larger stock (the India stock) which unquestionably was proved to be purchased for himself.

My lords, it is not to be supposed, it cannot be believed, that the noble defendant would, in this instance alone, have availed himself of the public money; that he would have transgressed his duty in that one, and never in any other transaction; its nature, and under circumstances, so little favorable to profit; it is incredible that he should depart with all his character and credit, in this one instance, from his former course, when in all others it is proved by the evidence for the prosecution, he had uniformly resisted and constantly acted upon a direct and precise negative of ever being assisted with the public money at all.

My lords, the next item of stock furnishes a much shorter consideration, it is a small article of 2000*l.* East India stock, relative to which, the evidence given on the part of the prosecution, by Mr. Trotter, has proved only, that he had no recollection whatever of the nature of the transaction. That he bought it it is true; that he bought it at the time stated is perfectly true; but that this sum was bought with public money, with the knowledge of the defendant, with any directions that he gave to him, or that there was not ample means, in the course of his account current, to pay whatever was furnished for that purpose, there is not adduced the smallest tittle of evidence to support; and, therefore, I shall not weary your lordships with travelling particularly through the evidence of that small item, more especially as I think your lordships will rather advert to the longer and more important ones, in order to chracterise the guilt or innocence of the noble defendant.

With respect to the items of remittances to the houses in Scotland, of 2000*l.* at one time, 1000*l.* at another, and 3000*l.* at another, at different periods of time. I forbear to trouble your lordships with any observations particularly upon them, because the witness who proved them has no distinct recollection as to the manner, the mode, or sources from whence they went; he says they constitute a part of his account current, and I am sure your lordships will

never, in the absence of all proof upon the subject, take for granted that they were remittances furnished out of the public money, by the direction of Lord Melville, without his lordship having any adequate means to furnish these remittances from any other legitimate sources. And I would only just refer your lordships to page 133 of the printed evidence, were, upon the subject of these remittances, Mr. Trotter was asked, have you any reason to doubt but that the payments made upon that subject were repaid out of the private funds of Lord Melville? The answer given to it was, I have no reason to doubt it, as there were frequent payments subsequent to that, and they went in reduction of the general account, in which those sums were included. Then in the absence of proof on their part, that they were from corrupt sources, the total negation would have been enough, but their own witness, upon cross examination, has disproved it by stating, that he verily believed it to come from the private and legitimate sources of income belonging to Lord Melville.

There was another transaction that was not relied upon by the honourable and learned manager, in selecting his topics of guilt—I mean the circumstance that was given in evidence respecting a loan of 4000*l.* upon bond without interest to Mr. Trotter by Lord Melville. I do not observe that that constitutes an item of charge against us, it was not relied upon by the honorable and learned manager, who summed up the case with so much particularity, and directed our attention to what we were to advert to; it is not included in the accounts in which they charge us with profits: it is enough to say, that it cannot be possibly stated higher than a loan, expressly upon the terms of it; a private loan from one individual to another; a private security given to cover it; and at the time that circumstance of its being without interest is a circumstance that the witness says he never mentioned to Lord Melville; it is a temporary accommodation, repaid out of the account current in a short space of time; the sources from whence Mr. Trotter was enabled to supply that loan he has fairly stated to

be the course which he was always, by the use of his office considered as intitled to, *videlicet*, the receipt for the payment of Exchequer fees, which have always constituted a legitimate fund, independent of that which was issued for navy services in general; therefore there is nothing in that of corruption on the part of the defendant, of mis-use of public money, or any improper conduct with respect to it; it is a fair loan by one individual to another, with a private security given for it, and that re-paid in a short space of time out of the account current.

My lords, the only remaining article upon this subject of money transactions is the 7000*l.* 3 *per Cents.* reduced; upon that the evidence was extremely short, and I shall have occasion to trouble your lordships but a very few moments. The fact of the purchase of this stock alone was proved on the part of the prosecution.

Now my lords, with respect to the cross-examination, all that was done by it was, to supply by another question, what was left short in the examination in chief. (In page 131, of the printed evidence, Mr. Trotter is asked, "You stated that you directed stock "to the amount of 7000*l.* 3 *per Cents.* to be purchased "for Lord Melville." Now this is the corrupt transaction—"was that purchase made by any direction "from Lord Melville?"—It was made without any "directions from his lordship." So much with respect to the purchase of it. Now for the means.—"How came that purchase to be made without any "directions from Lord Melville?"—"I made it in "the general management of Lord Melville's affairs. "—I believe a sum of money had come into my "hands at that time for his lordship, and I thought "it was proper to invest it in some manner to pro-"duce an interest to his lordship." Why then, here is a person who receives the private funds of Lord Melville carrying an interest before indeed, as he states in the answer to the next question, and lays it out in the purchase of stock for his benefit. How does this in any respect prove what is stated, that

this was an instance of purchasing stock with the public money?

My lords, I have now travelled through all the items of personal corruption in money matters one by one; if there was any other I am sure your lordships will believe you would have heard of it; it is quite impossible that any art could have eluded the industry that has been used; all the accounts at Coutt's house; all the bankers' accounts in Scotland and England; all the copies of letters and correspondence; all the means that for months and months had been sifted and examined; had there been one solitary instance to be found of stock purchased, or of any money transactions of any kind, in any quarter of the kingdom; undoubtedly the laudable industry exereted in the prosecution would have discovered it and brought it before your lordships. Why, my lords, how then, on these grounds, can any fair mind fasten upon the noble defendant the foul imputation of having been throughout cognisant of all the nefarious transactions of Mr. Trotter, which he has positively denied; and your lordships are now to pronounce upon these articles, whether you have it satisfactorily proved by clear, solid, and demonstrative evidence, that Lord Melville, from the beginning in 1786 to 1800, was the man represented to be, and that in concurrence with Mr. Trotter he connived at, authorised and permitted the public money (*an hundred and twenty millions* going through his hand,) to be laid out from time to time for benefit and emolument; leaving to Mr. Trotter all the unparticipated benefits of the whole of it, and taking only in these few instances which occur (*rari nantes in gurgite vasto,*) and which are capable of clear explanations when attentively examined.

My lords, there is one subject more which constituted the last topic urged against the defendant as a proof of corruption, I mean the release and the destruction of the books.

And, my lords, this is urged against us in two distinct ways; in the first place it is urged, that it con-

stitutes of itself a high crime and misdemeanor, and in the next place, that it furnishes evidence of guilt.

My lords, in one word, I will dispose of the first part of the charge; if the fact had been true to the utmost extent in which it had been stated, it could not have become any crime whatever for any individual, charged with an offence, himself to destroy the evidence which is to operate to his conviction; undoubtedly it might fairly and properly be urged (provided sufficient was known respecting it,) as evidence of his guilt, but the destruction of them substantively and taken by itself constitutes no crime; the obliteration of evidence that which would operate against a person is no offence. The offence, if it be any, must be on account of the nature of these documents; because they were public accounts.

In answer to which I state, that it all proceeds upon a mistake, they were not papers of that description, the evidence proves they were not; all these vouchers, all these papers, all these books, even are the private books of private individuals, the private documents between one and the other, of men indeed who had filled public situations, but they do not therefore become public documents, because otherwise all the private books of accounts, all the private letters of every public man would therefore become the property of the public, or the public would have a right to the inspection of them; all the vouchers were only vouchers between one person and another, between the principal and his agent; such were the vouchers and papers, and such the books, they had nothing of the character of public documents belonging to them, much less than Mr. Douglas's books which your lordships rejected upon the very principle of their not being public documents, but merely private. There is not any one circumstance to show that there has been destroyed any one single document of the nature specified. In order to show that these were, there should have been some evidence given of what the nature of the documents were: your lordships cannot conjecture about it, you cannot presume they were documents of that sort if there be no

evidence of it, and there is not a tittle of evidence to show that any one public document of any description was destroyed by either party; and in the absence of all proof you will not presume it. I think then there is a total end of that part of the charge.

The only remaining part of it is the presumption, which is resorted to, as afforded by this species of evidence, and I certainly do not wonder that so much stress should be laid upon this part of the case, considering that the honorable managers found all the positive evidence to break from under them; all Mr. Trotter's evidence had totally disproved the charge, and showed the accounts themselves to be his and not Lord Melville's; and then they have recourse to presumptions. Now your lordships know that, if there be positive proof in the case to the contrary, whatever presumptions might remain, they can never be set up. But what inference do they desire your lordships to draw from the destruction of these unknown papers? Are you to infer that the 13,500*l.* stock was bought with the public money with the knowledge of Lord Melville? Are you to guess the unknown contents of an unknown paper because it is lost and destroyed? Can you entertain any presumption as applicable to any particular part of the case, or how is it to be encountered against the positive testimony of Mr. Trotter?

With respect to the instances furnished to your lordships; undoubtedly the instances stated are perfectly correct in civil cases, as the instance even of a criminal one stated might be in their nature, though not to the extent, I think, to which the honorable and learned manager contended; because I rather think that a learned judge would be a little cautious of giving quite the directions suggested in a criminal case solely from the fact of the destruction of the clothes, without any proof that these clothes were bloody. A judge would hardly venture to state to the jury, that they were at liberty to presume the clothes to have been bloody. If there was any proof that they were in that condition their destruction might strengthen it, but the destruction alone could

not lead any tribunal to jump to a conclusion so rash as that which has been contended for. That is not the habit of administering justice, thank God, in this country; but what would be said in a case like that put by the honorable manager, if, when you were entertaining presumptions arising from the destruction of clothes, a witness should come forward and swear the prisoner at the bar was not the man that destroyed those clothes, but I destroyed them for my own purpose, I destroyed them for a purpose which has nothing to do with the guilt or innocence of the defendant; it was I that did it, and he has nothing to do with it: what would you say then to any presumption to be drawn from such a circumstance? What would you say, my lords, to such a presumption as this, if it was accounted for in an entirely different way, *viz.* that these were old worn out clothes, which were no longer wanted, and that antecedent to any imputaption or charge, they had been in the natural and ordinary course destroyed? And yet this is the case before you, for with respect to the destruction of these papers and these vouchers, all this evidence of presumption, which is drawn to the disadvantage of the noble defendant, and which is to fasten upon him all this guilt, is all furnished by this letter, which with your lordships' permission I will read, and you will see then what fair inference or presumption it affords of the corrupt conduct imputed to him.

My Lords, it is a letter dated the 30th of June, 1804, it is in answer to a requisition, desiring to be furnished with the result of various accounts between the noble defendant and his paymaster, during his Treasurership for twenty years which had preceded the date of this letter; accounts of every sum Mr. Trotter had ever paid for or received from him.

"Gentlemen,

"I have received your requisition of date the "26th instant. It is impossible for me to furnish you "with the account you ask. It is more than four years "since I left the office of Treasurer of the Navy; and "at the period of doing so, having accou[redacted]for every

"sum imprest into my hands, I transferred the whole "existing balance to the account of my successor. "From that time I never considered any one paper or "voucher that remained in my hands as of the small- "est use to myself or any other person; and, conse- "quently, being often in the practice, since I retired to "Scotland, of employing occasionally sometime in as- "sorting my papers, and destroying those that were use- "less, I am satisfied there does not exist any one ma- "terial by which I could make up such an account as "you specify—." That is part of the letter relied upon to prove against Lord Melville, a corrupt, fraudulent, and wilful destruction of the papers: the account given of it being a natural account, which I presume would be the case of every individual who had quitted a situation for more than four years, without the least idea of suspicion, of any ulterior account he was to have to give; that he should do this in the most natural way that any individual might innocently and fairly do, at the time when he settled all his balance, which it is proved he did, with his private agent, Mr. Trotter: and when he had settled all his accounts with the public, that he should naturally, fairly, and, in the ordinary course of any individual, occupy that leisure he had in disburthening himself of papers which he saw of no probable future use.

But it is also proved by evidence on the part of the prosecutor of Mr. Trotter, that this always had been the habit of Lord Melville, from time to time, to destroy useless papers, that it was his course long and long before: I desire therefore to ask my Lords, whether, under these circumstances, any fair inference can be drawn to the disadvantage of Lord Melville; or any belief that he was destroying those vouchers for any wicked or corrupt purpose.

Your Lordships will have the goodness to bear in mind, that the retirement alluded to was in 1801, when the noble defendant left the office of Secretary of State, and had left the political world. Twelve months after he had settled this account with Mr. Trotter; two years before the Commissioners of

of Naval Enquiry were appointed, and three years before the requisition in question was sent to him.

My Lords, with respect to the dilemma that the honourable and learned manager thought he had driven us to, by asking, whether the papers or vouchers had been destroyed before or posterior to the release in 1803, I cannot say that I feel it. Unquestionably the vouchers and papers alluded to in Lord Melville's letter were destroyed long before the release was executed; but those papers and vouchers related to the accounts which were open between Lord Melville and Mr. Trotter pending the treasurership. These are the accounts enquired after by the Commissioners in their requisition. Now Mr. Trotter has proved that these accounts were settled and the ballance paid in 1800. The honourable and learned manager has therefore been led into a mistake, in supposing the accounts, when the papers in question were destroyed, was yet open and unsettled. The account spoken of in the release, upon which a balance is stated to be due to Lord Melville, the witness expressly proves to be an account which did not commence till 1802.

Now, my Lords, with respect to the release, was there ever a case which less justly called for any inferrences to the disadvantage of the noble defendant; was the release his act, was it his contrivance? my Lords, here again Mr. Trotter, their own witness, comes forward and exonerates him, he expressly says, that the idea of a release originated with himself: that at the time he thought of it he was in London; that he had indeed originally proposed it long before, but it was postponed for execution for some time; it was then upon his own received suggestion for purposes of his own, (undoubtedly to facilitate the subsequent destruction of his books with the view of concealing his own transactions, which were of a nature that he knew would not bear to be enquired into,) that he armed himself with a release to be executed by Lord Melville in Scotland. Upon that occasion, he consulted a most honourable and respectable solicitor, Mr Spottiswoode, a man of business, and a man

of credit, and the clause in question, which has furnished so much observation, was a clause he believes suggested by that respectable solicitor, inserted with so little attention on his part that he did not recollect its being there till it was pointed out to him, and that a release so drawn, without the knowledge of Lord Melville, without his having seen the draft, without inserting a correction in any part of it, was sent to him in Scotland, and because it happened to contain a clause, whereby they declare that they have mutually delivered up for destruction, or propose so to do, their respective vouchers, it is to be presumed, that Lord Melville was conscious he had done something improper, and therefore he registered it upon a paper that is to be recorded in the courts of Scotland. Tken for the purpose of concealing his guilt he takes the best means of disclosing it.

These are the inferences to be drawn from this release. But supposing the parties had been together and had mutually interchanged their respective vouchers, and had put them in the fire, as is common upon settling accounts, would any inference to the disadvantage of either party have been drawn from that, and what does it amount to more, when each party being at a distance agrees to put an end to that which can raise a claim by the representative of one, in case of death, against the representative of the other.

My Lords, in this case I certainly do not propose, on the part of the noble defendant to trouble your Lordships with much, if any evidence at all, if it should happen that any of the circumstances that I have stated should seem more correctly and properly to call for any evidence upon the subject, particularly that circumstance of the relinquishment of his salary as negativing any inferences of his being a corrupt man, or pursuing public money, if that should be deemed proper, it will occupy but a moment of your Lordship's time. Upon the general subject of the charge it is not my intention, on the part of the noble defendant to trouble your Lorships with any evidence.

I hope it will not however be said that the defendant is destitute of proof, and that he rests his case without evidence—no—he stands upon the best evidence;

that produced from the most unsuspected quarter, it is from the evidence of the prosecutor himself, now it is come out that I have uniformly relied as proving my case and disproving theirs.

Perhaps it may be said we might have recourse to general evidence of a nature sometimes upon occasions like this adduced before a tribunal of this nature; but, my Lords, my Lord Melville's conduct and character have long been before the public; it cannot be a secret to your Lordship's, and I will not descend to any particularization of evidence, or to adduce the long and distinguished train of witnesses who would be ready to come forward and give an account of his conduct in every department, and the purity, vigour, energy, and integrity, by which he was uniformly actuated.

I cannot help observing, that that is a little hard to have it said of the defendant that his private affairs prospered while the public affairs committed to his trust, were uniformly ruinous and falling into destruction. Is that a fair account of the defendant? I will not pursue the subject, I will leave it to your honourable minds, to say whether that is a fair account of the result of the noble defendant's services to the public. Your Lordship's have heard, that even in this the Navy Department, all that is imputable, all that happened of misconduct, might have happened and escaped the vigilance of the most honourable and respectable persons, because they did escape their vigilance for two years after Lord Melville quitted the situations. In the time of his two immediate successors, Lord Harrowby and Mr. Bragge Bathurst, for two years together, Mr. Trotter remained, and that same practice of drawing from the bank, and the same use of the money continued. It surely therefore does not necessarily infer guilt, it does not necessarily infer knowledge, that a transaction of this sort should go on by the subordinate, to whom all the detail of the business was by the course of the office left, without any misconduct, without any abdication of duty imputable to those honourable persons who succeeded him, and who had not, as Lord Melville had any other

public concern to distract their attentions. But it might be said equally with respect to several other high situations; for instance, the case of auditors of the Exchequer, where all the business is usually done by deputy, that the principal who does not vigilantly superintend all that passes, whether he happens to have public concerns of another nature or not is highly culpable. There are other situations of this nature which are constantly given to persons, in exalted stations, as rewards for their services in more laborious departments. If the noble defendant was not so vigilant as he might have been over the conduct of his paymaster, let it be recollected that he was employed in the service of the public in matters of infinitely greater moment, and that without salary, or with a small portion of the salary he was entitled to receive.

But, my Lords, can it fairly be said, that the public concerns committed to his trust were neglected? did the public suffer any injury? I do not mean to palliate, much less to defend the conduct of Mr. Trotter, but recollect they were his acts, and not the defendant's, that there never was any circumstance that naturally attracted the attention of the noble Lord, because no interruption of public business, no delay, no loss, had ever happened to call for his attention to watch, inspect, and superintend; and it is proved by Mr. Bragge Bathurst, that he only interfered, when referred to, and left all the detail of payments and receipts to his paymaster. Surely then, it will not be said Lord Melville was culpable in doing the same, and only interfering when his attention was called to. But can it be fairly said of the defendant, that he has neglected or abdicated his duty, when it appears in evidence, and when it was honourably and fairly stated by the honourable manager, who opened the accusation against him, who said, "I wish to say every thing in illustration of good deeds, and to give them all the credit and praise that is due to them; it is with satisfaction, I say, that during the time that Mr. Dundas was treasurer of the navy, several beneficial regulations took place, which he has the credit of having formed for the protection and defence

" of a meritorious class of men, to give alotments of " wages, and several regulations were formed through " his instrumentality, which have saved a number " of lives from public execution: the act particu- " larly, he said that has prevented the forgery of " seamen's wills; that for this he deserves the thanks " of his country, and the gratitude, the unbounded " gratitude of that meritorius class of men." These were the words of his accuser; and yet, my Lords, in summing up the case against the defendant, are we told that his private affairs flourished, and the public withered under my Lord Melville.

My Lords, I shall trouble your Lordships with but a word or two more. The honourable manager who opened this case, truly told your Lordships, that the defendant was tried by a tribunal which he himself had preferred. It should be recollected that he had little option left him upon this subject after he had, behind his back, been prejudged and calumniated in every part of the metropolis and its vicinities, and before the public officers, by whom the jury must have been convened for his trial. My Lords, he preferred these proceedings, because he thought that every one would be satisfied, that if the corruption and guilt imputed to him had existed in any part of his life, it could not escape the vigilance, the industry, and the power, that in this proceeding would be employed against him: he preferred it because he was sure that here he should have justice; that here he might appeal to that high honour which pervades every noble breast, and which the constitution has substituted in the place of the obligation imposed in inferior tribunals.

My Lords, your Lordships are about to discharge a solemn and important duty; the higest and most responsible that can be exercised by man himself, about to stand before another tribunal, in a momentous and awful enquiry, and review.

Your Lordships are to exercise this function in this august tribunal, the highest in the world, in the eye, and in the presence of this great nation, and of the representatives of every other. Your Lordships are

to exercise it in the case of a defendant of exalted rank, and who, my Lords, is now called upon in the evening of his life, after a period of more than forty years employed in the public service, and who now, my Lords, has all that is left to him depending upon the judgment which your Lorships are to pronounce. My Lords, to that judgment he looks forward with all the confidence that conscious innocence, and a reliance upon your Lordships' wisdom, justice, and impartiality can produce. My Lords, I will trouble your Lordships no further than to offer my humble thanks to your Lordships for the great attention that I have received, and request your Lordships will accept my humble apology for having so long trespassed upon that indulgence.

The following evidence was then given on the part of the defendant.

Mr. John Litchfield, from the Privy Council office, produced a volume of the registers of orders in council.

And an extract of the order, dated 27th February, 1795, was read, viz.

"And the Lords of the committee do agree further to report, as their opinion, to your Majesty, "that with respect to the salaries of the principal "Secretaries of state, such salaries should be 6000*l.* "per annum, clear of all deductions, and in lieu of "all former salaries and fees, and that this arrangement should be considered as taking effect from "the 12th of January, 1792, with regard to the right "honourable Lord Grenville, and the right honourable Henry Dundas; and with regard to his grace "the Duke of Portland, from the date of his grace's "appointment to be one of your Majesty's principal "secretaries of state."

His Majesty, taking the said report into consideration, was pleased, with the advice of his privy council, to confirm such of the regulations respecting the officers of his Majesty's principle secretaries of state, proposed by the commissioners, appointed by the said act, passed in the 25th year of his Majesty's reign, as appeared to be approved of by his Majesty's said principal secretaries of state. And his Majesty is

likewise pleased, with the advice aforesaid, to approve and confirm the further regulations proposed by his Majesty's said principle secretaries of state, with the exceptions above stated in the said report of the lords of the committee of privy council, and to order as it is hereby ordered, that the same be adopted and carried into execution. And the right honourable the lords commissioners of his Majesty's treasury and his Majesty's principal secretaries of state are to give the necessary directions herein as to them may respectively appertain.

Then William Pullock, Esq. was examined as follows.

Mr. Plumer. Are you the chief clerk in the home department of the Secretary of state?—I am.

How long have you been in that situation?—Forty-nine years.

Did it fall in your department and duty, as the chief clerk, to pay the salaries that were due to the Secretaries of state for the home department?—Constantly.

From the eighth of June 1791 to the 12th of January 1792, did you pay any salary to Mr. Dundas?—I did not.

From that time to the 10th of July, 1794, did you pay him any salary?—I did not.

If any salary had been demaned by my Lord Melville during that period of time, would it have been your department to have paid it, and must you have known it?—I should think so.

During that interval have you accounted to Lord Melville for any fees?—Yes.

To what period have you so accounted?—To the 11th of July, 1794, when his Lordship removed to the war department.

Was he entitled down to the period of the order in council to the salary exclusive of the fees?—Yes.

What is the amount of that salary which he would have been entitled to during that period, prior to the order of council, from the month of June, 1791, to the period of the order of council?—Upon the nearest calculation I could make it would produce 2715*l.* 2*s.* 10½*d.*

From that period to the time of Lord Melville going to the war department?—14,958*l.* 18*s* 1*d.*

State the amount of fees which had been received prior to the order of council, which are to be deducted from the sum you have given?—The amount of fees received by his Lordship previous to the 12th day of January, 1792, is 832*l.* 8*s.* 5½*d.*

Are those fees which arose prior to the order of council?—Prior to the 12th of January, 1792.

That order in council had no effect whatever upon the right to receive those fees?—None.

Take the amount of fees subsequent to the order of council, and which are to be deducted from the sum before given?—The sum total of the fees was 12,958*l.* 4*s.* 4½*d.* the expences of the office in that interim, deducted therefrom being 3932*l.* 16*s.* 6½*d.*, left 9,025*l.* 7*s.* 9½*d.* clear to his Lordship.

Was that the net amount of fees subsequent to the order of council?—Yes it was.

What is the total of the money relinquished to the public in the account you have be engiving?—5,933*l.* 10*s.* 3½*d.*

Is that sum the amount of what was given up to the public subsequent to the order of council?—I think so.

I think you said that the amount relinquished before the order of council was 2,715*l.* 2*s.* 10½*d.* is that so?—It is so.

What is the total amount of those two sums given up in this department, as secretary of state for the home department?—The two sums added make 8,648*l.* 13*s.* 2*d.*

Has the whole of that sum 8,648*l.* 13*s.* 2*d.* been paid to the public by this relinquishment?—It has.

Cross examined.

Mr. Whitbread. During the time that Lord Melville received any fee or emolument whatever, was it paid to him through you?—His Lordship frequently gave me orders for payment, and received money of me.

Was it in the routine of your business to receive such salaries and fees for Lord Melville in the secretary of state's departments?—It was.

To whom did you pay what money you did pay on his account?—Sometimes to his Lordship's banker, at other times to his order, at other times by verbal orders.

Can you swear that the calculations you have made of the sums relinquished by Lord Melville are accurate?—I may be subject to error, but they are as accurate as I could make them.

Questions by the Lords.—Have I understood you rightly in saying the order of council bore date the 27th of February 1795?—Yes.

And that the fees were to be relinquished from the 12th of January, 1792?—It is so directed in that order of council, that with respect to the Secretary of State, that they should have that allowance of 6000*l.* a year clear of all deductions, and in lieu of fees; and that with respect to Mr. Dundas, now Lord Melville, it should have a retrospect from the 12th of January, 1792.

Am I to understand you, that Lord Melville received 6,000*l.* a year from the 12th January 1792?—No, his lordship received short of that money, 5,933*l.* 10*s.* 3$\frac{1}{4}$*d.*

Then James Chapman, Esq. was examined.

Mr. Plumer.—Whether you are the chief clerk in the Secretary of State's office for the war department?—I am.

Were you so in the month of March, 1795?—Yes.

Were you the person through whom the salary, due to the Secretary of State in that department, would have been paid?—Yes.

How much in point of fact of salary did you pay to Lord Melville, as Secretary of State for the war department?—I do not know the total amount that I paid; I paid Lord Melville his salary at the rate of 2,000*l.* a year, from January 1795, to June 1800; and at the rate of 4,900*l.* a year from the first of June 1800 to the time Lord Melville resigned the seals in March, I believe 1801.

What was the amount of difference between what Lord Melville was entitled to receive and what he

actually did receive?—My Lord Melville relinquished from July 1794 to the time he resigned the seals, upwards of 26,000*l.*

Are you now speaking of the war department only?—Of the war department only.

This has nothing to do then with any relinquishment in the office of Secretary of State for the home department?—No.

Cross-examined.

Mr. Whitbread—Were you the channel through which all Lord Melville's salary, such as he did receive, passed?—Yes, in the war department.

Did you account with Lord Melville for that salary?—Yes.

Whether any part of the additional salary, stated by you to have been relinquished by Lord Melville, ever was tendered to his lordship?—It was withheld in consequence of Lord Melville's direction to me not to pay it to his account.

When did you receive those directions?—I presume when the first quarter's salary was due, when I asked Lord Melville whether I should pay it, or what I should do?

Do you know of any reason why that salary was not received by Lord Melville, or not paid to him in the same manner as it was paid to other secretaries of state?—I believe, because Lord Melville conceived himself receiving 4,000*l.* a year as treasurer of the navy, he therefore received 2,000*l.* a year as Secretary of State, making in the whole the salary of 6,000*l.* a year, which was the salary allotted to the Secretary of State.

Then Lord Melville, for both offices, the Treasurership of the Navy and the other office, received 6,000*l.* a year!—I can only speak to my own department, from that he received only 2,000*l.*

What salary did Lord Grenville receive from the same office?—I do not know.

Were you not chief clerk when Lord Grenville was secretary of state?—I am in the war department.

Re-examined.

Mr. Plumer.—Might Lord Melville, if he had been so disposed, besides his salary as Treasurer of the Navy, have received the full 6,000*l.* as Secretary of State for the war department?—I conceive undoubtedly so.

Had you authority, and would you have paid it, if it had been demanded?—Certainly.

Was there any reason for your non payment of the money but the voluntary relinquishment by Lord Melville, which you have stated?—None other.

Mr. Plumer.—My Lords it is matter of figures; I would only beg to call your Lordship's attention to those two sums that have been proved by these witnesses to the amount of 8,648*l.* 13*s.* 2*d.* in the home department, and the amount of 26,081*l.* 7*s.* 5*d.* in the war department, added together they make the sum of 34,730*l.* 0*s.* 7*d.* relinquished by Lord Melville and saved to the public.

Mr. Adam then rose, and spoke as follows:

My Lords, it is now come to my time to approach your lordships in the discharge of this most awful and most important duty. It is a duty which from various events in life, and various recollections, is much more awful to me than I am enabled to express. My lords, it is rendered still more so by the most emphatic eloquence, and the most powerful argument, which has preceded that which I am to address to your lordships. My lords, I trust that I shall have resolution to collect my thoughts, and to state them with accuracy, and the best return that I can make to your lordships' favourable attention is, that I shall not delay your lordships with any thing but what is completely to the point.

My Lords, I shall approach in the first instance to the consideration of the statute, not because it lies directly in the order in point of time, but because it is important to discuss the law as an abstract proposition, unconnected with the fact; and because I wish that the discussion of the statute should not interfere with the narrative and the argument which form the ground of defence.

My Lords, before I state the observations which I shall have to usher into your lordships' attention, upon the construction of the statute of the 25 Geo. III. let me entreat your lordships to recollect this, and to bear it in your minds in all the various ramifications of this important case, that the noble and eminent person, whose case is now under your lordships' consideration, does not at this moment owe, and that he has not from the day he left the office of treasurer of the navy, owed one farthing to the public. He has paid up every single sixpence that ever was in any course impressed into his hands, even including the sum of 10,000*l.* which has been so much the subject of public discussion. Not only so, but your lordships will never fail to recollect that every branch of that duty, which he discharged as treasurer of the navy, never met with any impediment; that the public never suffered any loss; that the person who was entitled to his payment never had his payment postponed in one single farthing or for one single moment. My lords, this is a most important feature in this case, and it is well, not only that it should be impressed upon the minds of this high tribunal, but that a watchful, an anxious, and as I shall shew your lordships, an unwarily misled public, shall likewise know the fact to the utmost corner of its united empire. My lords, the act of parliament which I have to state to your lordships was the work of the noble defendant, and he is accused now before your lordships of having been the breaker of his own law. My lords, it is important, before your lordships find him guilty of having been the breaker of his own law, that your lordships should thoroughly understand what that law imports. I will venture to say, that unless there is an intention of having recourse to matter, which I am sure never legally was forced into the construction of any clause of an act of parliament, which no court of law could listen to, that your lordships must decide, and must be clearly of opinion, notwithstanding the threats that we have heard of being brought to shame upon this point, that this law is most distinctly what we expound it

to be, and that there is no obligation upon the part of the noble lord, or upon the part of any other treasurer of the navy, to withhold from drawing out the money which is placed in the bank as soon as the time of service arrives, under the proper assignment from the proper board.

The learned counsel then entered into one of the ablest and most logical legal arguments that perhaps was ever heard in Westminister Hall, in which he contended, that the objects of the act were very different from, and of much more importance, than what was relied upon by the managers; and that although a few words or expressions in the act might at first view seem to import otherwise, yet, when the matter was examined and sifted to the bottom, the act of parliament would not bear the construction put upon it by the managers for the Commons.

I beg leave to state to your lordships next, the uses which have arisen from this act, and to your lorships that they are, in my opinion, of the most important nature. Your lordships have heard that the widow and the orphan of the sailors have been the subjects of the protection of the noble lord; that he has taken infinite pains to make regulations which should check the worst of all crimes, the crime of falsifying instruments to the injury of the poor. My lords, without the regulations which this act contains, it would not have been possible for the noble lord's acts to have been carried into execution with effect; for if you had crampt and fettered the payment, in such a way as to make each particular sixpence doled out at the bank to the individual, all these meritorious acts would have been ineffectual; the allotment of seamen's wages to the wife of a seamen; the payment to a child after the death of his father in the battles of his country; the payment to any person who may have a claim upon the treasurer of the navy's office of a small amount, would have been but of little effect indeed, if they had been obliged to take their piece of paper from the office at Somerset-house, with the sum of one shilling, or five shillings, or twenty shillings, or up to five pounds,

written upon it, in order to carry it through all the offices of the bank of England, before they arrived at the place of payment. My lords, it provided therefore for the payment of the money in a place where it should be convenient for such persons to receive it. But this was not the only object of the act of parliament; it was not only necessary to leave the latter part of the act free, and at the control and discretion of the paymaster in that respect; but this act had other objects most material to the welfare of the country, which it has carried completely into effect. It had for its object to prevent premature calls, by warranting no payment, unless the letter of the board, certifying the existence of the call, accompanied the memorial of the treasurer. It was passed for the purpose of ascertaining balances, while the services were performing; it was to secure to the public an official account, instead of a personal account; it was through that medium to confine the account of the treasurer of the navy to one account, instead of being distributed to five or six; it was to prevent the office of ex-treasurer from continuing an existing office; it was to make a treasurer, when he went out of office, hand over all the money (as the noble lord did every penny of it) to his successor, in order that the account might be all carried on by one set of clerks, under one master, in one set of books, and not according to the irregularity that was practiced before that time; it was to secure a yearly audit of the accounts, by calling upon the treasurer to make up his accounts each year and have them audited at the end of the year, instead of, to the disgrace of this country and of the administration of the exchequer, having the accounts in the exchequer of Lord Ranelagh in the year 1782, who went out of his treasurership in the reign of king William. These are the objects of the act, and it was perfectly consistent with the objects the noble lord had in view when he brought in this act, that the form of it should be such as I have stated, because it has answered those purposes which are particularly described in the third report of the commissioners of accounts, and which was the great foundation of this regulation.

My lords, with respect to the other parts of the case I would wish to take them up in the order of date as much as possible, but, my lords, it is impossible for me to approach that part of the subject without considering a little the manner in which this case has been treated by the honorable and learned manager who summed up the case. My lords, I know the talents, and I know the experience of that learned person, and I cannot help thinking that he has applied all the ingenuity that his most fertile mind is master of, in order to give your lordships a wrong impression of this case, and, give me leave to say, my lords, an impression, as I conceive, totally inconsistent with those general principles of administrative criminal justice, which I am sure will prevail in this high tribunal, as it does in every other inferior tribunal of the kingdom.

My lords, we have ushered before your lordships, by an explanatory speech of great ability, the nature of the evidence that we were to meet with, we had the witness described to us by a speech of the honorable manager, who stated to us how he was to prove his case; his witnesses were brought; his case was proved, according to his conception of it; his witnesses were cross-examined; the evidence was all before your lordships; and, my lords, it seems to me a most remarkable feature in this case, that, in addressing your lordships, for the purpose of observing upon that evidence, the tenor and plan of that address is to satisfy your lordships, that you are to draw presumptions contrary to the evidence, or, in other words, that a great criminal prosecutor, in the highest court of criminal justice in the country, instead of resting upon the facts proved, and giving credit to the witnesses whom he brought to prove them, is to endeavour to evade the facts as they are proved, and to state presumptions, arising out of other parts of the transaction and of the evidence, distinct from the fact.

My lords, I shall have occasion to expound this principle as I go along, and to satisfy your lordships, I trust clearly, that it is not according to the course

of proceeding, and not consistant with general justice, that when your lordships have clear and distinct evidence given to you upon oath, sanctioned by the party who brings the witness, that he should destroy the effect of that witnesses testimony, by having recourse to presumptive evidence.

My lords, I wish to speak from authority in more ancient times, and to state to your lordships what, in the great trial of the bishop of Rochester, was pronounced by a most profound judge, my Lord Cowper, in that trial, said, "The wisdom and goodness "of our law appears in nothing more remarkable "than in the perspicuity, certainty, and clearness of "the evidence which it requires to fix a crime, in "which the life, liberty, or property of a man is "concerned; herein we glory and pride ourselves, "and are justly the envy of all our neighbours. Our "law, in such cases, requires evidence so clear that "every by-stander who hears it must be instantly "satisfied for its truth. It admits of no forced con-"structions, or of any thing but what is according "to the principles of natural justice."

My lords, I am sure that sentiment will be treasured up by your lordships in the whole consideration of this case, and that your lordships will not permit any strained contructions to break in upon the clear meaning and intendment of the evidence, by whatever authority such constructions may be laid down.

My lords, the object of this prosecution is to show, that the noble lord has, against conscience, and against law, availed himself of the public money in his hands, or in the hands of his deputy, for the purpose of gain. My lords, I believe I state the question between the honorable managers and the noble defendant, distinctly and fairly, when I state this, that he is not here to be tried for any petty delinquency; that he is not here to be tried for any accidental mistake; that he is not here to be caught by any incautious conduct at any particular time; but that he is here upon his trial in a cause between all the Commons of England and the noble lord, as being a state criminal; a statesman, having held a great

high office, in which he has misdemeaned himself, by having systematically and corruptly obtained money for himself for private lucre and gain; whether for the purpose of hoarding it avariciouly, or whether for the purpose of spending it ostentatiously; or whether for the purpose of maintaining his state and dignity, is a matter of no consideration. The question in this case, as in all cases, is the motive of the heart. *Actio non est reus nisi mens sit rea*,—a person is not guilty, if his heart is not guilty; and if I show the noble lord to have, throughout the whole series of his life, not only at the recent period to which your lordships have had evidence given to day, where he has rejected at one stroke, 34,000*l.* of public money, and it has all gone to the coffer of the state; but if I can show that the noble person, from the earliest period of his life, when toiling in a laborious profession, and getting by degrees from that profession to the height in politics to which he arose, constantly and uniformly disregarding money, as has been proved, I may say, by the honourable manager, (for I am sure he would have sworn to that fact if it had been necessary,) and that he was not only untainted by avarice, but marked by liberality; it will require a great deal of proof that in holes and corners, by tracing bank notes from the dead bank note office, that in purchasing particular stock, and in over-drawing accounts where the parties never charged interest against each other, and where it was an open account from the beginning of it to its close in 1800, it will require, I say, a great deal of proof to convict the noble lord of having corruptly, and systematically, attempted to pilfer from the public, those miserable sums of money, less even according to their own calculation by one-third of what, upon their extravagant calculation he is supposed to have acquired; and that calculation I undertake, before I sit down, to reduce to nothing; and show your lordships, item by item, that it is incorrect. I do not mean in the computation of figures, but I mean in the substraction, which is the ground of the figures, and without which the figures must be set at nought.

My Lords, I come now to that part of the case, which relates to Mr. Douglas's paymastership; which consisted of the first treasurership of the noble lord, and the first part of the last treasurership. My lords, that part of the case, according to the manner in which it has been laid before your lordships, goes to three points: it goes to the question upon the first 10,000*l.*, the question with respect to the bank notes, and with respect to money from Mure and Atkinsons to Paynes, and from Paynes to the bank. I will take it in that order; only wishing to state to your lordships, that when I am taking under consideration the 10,000*l.* in the first instance, I mean likewise to consider the 10,000*l.*, which is in proof before your lordships, of having been taken somewhere about the year 1792, and which is part of that money which stood as the chest account. I do that, my lords, because the argument is of a similar nature upon both; and, because it would be coming back again to the argument, I shall be under the necessity of addressing to your lordships now, if I were to defer it to the proper stage in the cause in its chronology.

My Lords, with regard to this 10,000*l.*, the charge is made in two ways. It is said, that taken by itself, this 10,000*l.* is a crime, because the noble lord, being a public accountant, did contumaciously declare in the house of commons, that he would not tell what he had done with it. The next is, that it is an inference that he took money to use it for himself.

With regard to the first of these charges, I have already stated, what is in proof before your lordships, that this 10,000*l.* is not in the noble lord's pocket; he is not a defaulter for that 10,000*l.* At the very time he made the declaration, which is supposed in itself to constitute a distinct crime, the noble lord had paid that money to the public; and it had been actually applied to navy services. He was at that time no public accountant; and with regard to the mode in which this money was employed in the intermediate time, between its issue from the exchequer, and its application to navy services; that is a question which arises under the other branch of the

charge, and relates to the inference of his lordship having made profit of it. With regard to that inference, I shall take the liberty of making but a few observations, because I do not wish to take off the weight of those which have been much better made, before I had the honour of addressing your lordships.

Your lordships have heard of the chest account; and that there were placed to this account certain sums of money, given to the noble lord, in pursuance of what are called requisitions. The first 10,000*l.* was the basis of the chest account, but does not constitute one of the sums paid by Mr. Trotter under these requisitions; for that sum was avowed, by the noble lord, in the House of Commons, to have been paid over to him before the appointment of Mr. Trotter, but the second 10,000*l.* does constitute one of the sums paid to the noble defendant by Mr. Trotter, in consequence of these requisitions. Besides these two sums, there was a sum of 40,000*l.* advanced to Messrs. Boyd, Benfield, and Co. which likewise stood at the chest account.

Now, your Lordships are called to make an inference contrary to the character and constant tenor of the noble lord's life; that he made profit of this 10,000*l.*, instead of having applied it to some public purpose. Your lordships will recollect that, in order to aid the evidence in this respect, recourse has been had to the noble lord's declarations before the commissioners of naval inquiry; and it has been stated, that the noble lord very boldly avowed, in the face of the House of Commons, in a manner which the honourable manager much disapproved, that he had taken the money; but, that when before the commissioners of naval inquiry, the noble lord had sheltered himself under the act of parliament. Now, I wish your lordships to examine the particulars of that evidence; and, in this stage of the cause, to correct a representation which has been given by the honourable and learned manager, respecting the character and conduct of the noble lord on those two different occasions.

When the noble lord was before the commissioners

of naval inquiry, there were three sums, viz. the sum of 40,000l., the sum of 10,000*l*, and the sum of 10,000*l*.; the uses of which, the noble lord was of opinion, it would be injurious to the public service to disclose. The noble lord had at that time recently learned that Mr. Trotter had kept the public money at Mr. Coutts's, in a mixed account, in which were his own private monies, the private monies of the noble lord, and the public monies of the country; and that it was impossible for Mr. Trotter to explain which sums belonged to the public, and which to the noble lord. Under these circumstances, the noble defendant was placed in a difficulty which rendered it extremely impossible for him to come forward with any declaration upon the subject. When asked whether he had given any authority to Mr. Trotter, to apply the public money, the noble lord gave a distinct answer to that question; but when asked whether he had participated, he declined answering, did he do so? —And why? The clause in the act warranted him; and why should he not take advantage of the clause of the act of parliament, when, under the particular circumstances, without an implication of guilt, he stood informed, for the first time, that, after a practice of ten years, he had been served up out of that account, mixed and made up as I have stated. There is no person who has any regard for his character, with the knowledge of such a fact communicated to him after the time, who could have dealt otherwise with the naval commissioners than the noble lord did. It was impossible, without entering into a computation, or into distinctions too minute for any human mind to enter into, that the noble lord could answer the question.

Then, my lords, first of all, the delinquency of Mr. Trotter, and, next, the public service, are grounds upon which the noble lord considers that he ought not to reply to the commissioners of naval inquiry. I trust I shall satisfy your lordships, throughout the whole of my address to you, that the noble lord upon this occasion exercised a sound, honourable, and dignified discretion; and that it would have been not

sound, honourable, nor dignified for the noble lord, whatever the conscious innocence of his own mind might have been, with regard to the reception of those profits, to have rashly ventured upon an oath, when a clause was inserted in the act, for the purpose of affording that species of protection which the noble lord has honourably and conscientiously taken advantage of.

Such is the character of the noble lord's evidence; such the character of his concealment; his conscience, and his regard of public duty, led him to conceal, and that concealment led to his misfortune. It would not have led to his misfortune, if the ideas of the personal responsibility, civilly and criminally, had not led to concealment on the part of Mr. Trotter, who was the agent of the noble lord upon all these occasions. If Mr. Trotter had been unfettered with respect to crime, and relieved from all apprehension with respect to civil process, at an early period of this question, the Commons of Great Britain in parliament assembled, would have seen this case in a different light from what they have done; but it has been reserved for your lordships, after this cruel intermediate suffering of the noble defendant, to have the whole of that secret disclosed, which, at the time I am speaking of, was locked up in Mr. Trotter's breast; and with this disclosure you have the motives of the noble lord, the purity of his intentions, the incorruptness of his mind, and his disregard of money, displayed in a manner, as clear, as strong, as powerful, and as honourable, as ever dignified the character of the first Roman, Grecian, or Englishman, whose name is handed down to posterity for our admiration and example.

My Lords, the application of this sum of 40,000*l.* was disclosed in the year 1805. It requires no great stretch of imagination, that its disclosure might have been called for in the year 1796 or 1797. I will suppose that that disclosure had then been called for; I ask your lordships what must at that time have been the answer of that great and eminent statesman, whose eulogium has been pronounced by the honour-

able manager who opened this charge, if he had been called upon to explain the manner in which this 40,000*l.* had been applied? Must not that honourable and exalted statesman have demurred? Must not he have said to the House of Commons, "You have confided in me for more than twelve long years; you have been accustomed to believe I have administered the affairs of the country with integrity and ability; you have been led to think I may be intrusted with secret service money to an immense amount. I have taken from the coffer of the state that which I have again restored to its proper place; I am not a corrupt man; I have made no improper use of it; and in the mean time it has done an extraordinary public service. The fulness of time may come, or the fulness of time may not come, when I shall have it in my power to disclose it. If it does come I will make a clean bosom to you; if it does not come I must still ask for that confidence which you have always reposed in me." Would not that have been satisfactory to the House of Commons? Would that answer have grounded an impeachment? Would that mode of treating a subject of 40,000*l.* in 1796 have made the country say, that Mr. Pitt was to be put upon his trial for corruption? My Lords, how was it in the year 1796? The declaration of the fact, with regard to the application of that 40,000*l.*, would have been the ruin of the country, and the destruction of individuals. The coffers of the country would have been exposed in their barrenness, in the midst of a disastrous and difficult war, and the individuals, to whom it was advanced would have been thrown immediately into the jaws of bankruptcy. The time came when the circumstances of the country altered, and when the individuals failed; and Mr. Pitt was of opinion it might then be disclosed with safety to the country, and could no longer be injurious to the individuals. My Lords, it is disclosed; it was an application of that sort which might be disclosed at that time; but the application might have been of a different nature; it might have been such an application as the state required in 1792; they might have been midnight ap-

plications, to have obtained secrets, the knowledge of which was to lay the foundation of the safety of the country, and the want of which might have created its ruin.

My Lords, in that case it could not have been disclosed; but I state to your lordships a case of an application of public money, where, if the question had been asked in 1796, there must have been, from the general conduct of the minister, a presumption of innocence. I ask, then, what is the difference of the case? *Mutato nomine de te fabula narratur.* Who was Mr. Pitt? The minister of the time; the friend of Lord Melville, privately and politically attached to each other; following the same system; thinking, as it were, with the same mind; pursuing the same objects; possessing the same confidence of the country. My Lord Melville has applied 10,000*l.* at one time, and 10,000*l.* at another, for secret service, having restored the money (not like the secret service money of the secretary of state, which is lost and gone for ever, and where the law makes his oath a voucher for the payment); but having restored the money, and therefore requiring no voucher, and the public not wanting the money in the mean time; the loss nothing, and the inconvenience nothing; the restitution actually made, and the oath of secret service money not required, because the money is not sunk and gone; and the sum in question within the assigned balances: and, my Lords, you are not only to refuse your confidence to my Lord Melville, and to presume an innocent application, but you are to call for a guilty inference against him when in fact it is utterly impossible to distinguish the two men, except by their names, for their politicel acts and pursuits were all the same.

My Lords, in a criminal case we are not bound to prove the application; but are they at liberty to infer the application?—are they not bound to trace the money in some way?—are they not bound to shew that profit has been made of it?—or, are your lordships to infer guilt, contrary to every presumption of nature

and circumstances, in a case where there is no evidence whatever of such guilt?

But it may be said, that here have been two notes traced, and these two notes have shown, that the noble lord had an early dealing with the money belonging to the treasurer of the navy; and, that proves that he was prone to use money in that way.

Now, your lordships are called upon to say, that because these bank notes are found, one at the distance of seven days, and the other at the distance of fifteen days, from the time when the defendant must have received the money of the navy, and not his own money. Now, does it follow, that because the noble lord received a bank note, which had been received at the exchequer by the paymaster of the navy, that that is navy money. Oh! my lords, we are in a woeful situation in this case, in many respects. I have stated already, that the presumptions contended for in one part of the case, are directly contrary to the positive proof, given by the prosecutor. And here we have documentary evidence, without a single witness to the *res gesta*. And then we are told by the honourable manager, who summed up this case, that we should have an opportunity of giving evidence, when he must have known from the nature of the case, that it is impossible; for Mr. Douglas was in the grave; Mr. Trotter was their witness; and all the other persons connected with Lord Melville, and their books and papers, constituted the foundation of their testimony.

My Lords, the safety of man is at an end if such power of inferring guilt is to be the law of this country. The law of this country is the protector of persons accused, and never thinks of considering the mas guilty, till they are actually proved to be so. It would become the bane of society, and the most miserable tyranny if that could be the law. When I add to what I have stated, that at the time I am now speaking of, the noble lord enjoyed the situation of Lord Advocate of Scotland with a considerable salary, having considerable practice at the bar of Scotland;

that he was at that time Keeper of the Signet; and Treasurer of the navy; and that he had property in Scotland, from which your lordships have seen remittances in the course of this cause; that he had funds at that time to the amount of 9,000*l.* or 10,000*l.* a-year; shall it be said it is an inference of guilt that in one case 600*l.* came from a bank note which went from the exchequer fifteen days before, and in the other case 1,000*l.* which came from the exchequer seven days before, at the distance of twenty four years from the transaction, when every witness that could have thrown light upon it is dead.

My Lords, I come now to the case of Mr. Atkinson, and with that I shall conclude this first branch of the cause: your lordships have certainly a proof of money having been at Mr. Atkinson's; the bank notes having been traced to Smith and Paynes, and afterwards to the bank. I ask, does that amount to any thing more than that money was deposited in Mr. Atkinson's hand, and paid from him through the medium of Payne and Smith back again to the bank. Your lordships will recollect that this was at a period of time before the act passed; and there was no regulation at that time with regard to the place of deposit. That the only branch, now under consideration, with a discussion, with which I do not trouble your lordships after what my friend has said, relates to the warrant. Where is there any evidence of any money having been made interest of? It appears from the evidence, that Mure and Atkinson were at that time persons in the highest credit; and the noble lord had a perfect right at that time to make his deposit where he pleased. I say he has that right now, after the same are assigned; he has that right now, according to the course of office; but at that time there was no impediment to his depositing the whole of the navy money at the bank.

My Lords, I come now, as I stated to your lordships, to the second branch of the case, namely, Mr. Trotter's appointment; and that part of the case which relates to the administration of the paymastership under Mr. Trotter. And this is a part of the case which I approach certainly with a considerable degree of anxiety; not an anxiety founded upon the

difficulty which I feel in dealing with it upon the part of the noble defendant, but the difficulty which I feel of dealing with it upon the part of the witness.

My Lords, I am quite sure that the general character of that person is precisely what the honourable manager gave him in the opening speech. I have known him long and intimately; I lament his deviation in this particular instance from the general course of his life; and that he should have done any thing which I know must be so contrary to the natural rectitude of his feelings, as to have brought his patron, his protector, and benefactor, into the situation in which he now stands. My Lords, I mean no personal offence; and I hope I shall not pronounce a word that will give any personal uneasiness to any individual who hears me; but, my Lords, to do justice to the case, I must deal with the evidence fairly as I find it. Soon after Mr. Trotter was appointed to the paymastership of the navy, the office was transferred from Broad-street to Somerset-place: the office before had been carried on in the heart of the city, close adjacent to the bank; afterwards it was to be transferred to this end of the town, at a great distance from the bank, and where all the business of the payments was to be carried on. It is a most important part in the consideration of this case, that your lordships shall see, with perfect distinctness, that the permission which was given to Lord Melville to permit the business to be carried on at Coutts's, was confined to the assigned balances; and that it was confined to the money upon those assigned balances *resting* at Mr. Coutts's. It was not a permission that Mr. Trotter should take the money any where; that he should take any amount of money any where, whether assigned or not; it was not a permission that he should deal with it in its intermediate time, in any speculations, in discounting private bills, in buying navy or victualling bills, in buying exchequer bills, or in the purchase of stock. It was Lord Melville's intention, and I shall make it demonstrable from the evidence, which I shall be under the necessity of calling your lordships' attention to a little minutely, that it was Lord Melville's clear intention; and which, as he thought, down to the pe-

riod of the disclosure, both after the institution of the board of naval inquiry, and even up to the period he had his first letter, had been faithfully executed.

A great deal has been said, and insinuated, respecting the trust reposed in Mr. Trotter. I ask in whom man was to place trust, if Lord Melville was not to place trust in Mr. Trotter? As I have already stated to your lordships the whole form of human action, the whole comfort of human affairs, all the machinery in this world, moves and depends upon trust and confidence; here then is Mr. Trotter, recommended by Mr. Pitt, well connected in the country, a respectable person, connected with rich individuals in the banking line, connected with a brother who was very prosperous in trade, and who has amassed a great fortune; long acquainted with the service; and who had himself, from his particular situation in it, proposed some excellent plans of reform; and it was chiefly upon that plan of reform that the private recommendations of Mr. Trotter had their effect with Lord Melville. Lord Melville considered him then as a person studying how the business could be best executed; he had no resoan to consider him, at that time, in any other light.

My Lords, Mr. Trotter addressed Lord Melville with a view to an official reform; confining it to an official reform, as the whole evidence, from beginning to end, confines it to *an official reform*, I will ask the hon. manager who opened, and the learned manager who summed up, this case, how they are to set aside the testimony of that witness? by what insinuation, by what inferences and propositions, can they contend that a witness whom they have brought into the box, whom they characterize as an honest man, who has poured out his heart to this House, at the risk of his civil responsibility, (for though from criminal responsibility he is protected by an act, it is never to be forgotten that he is responsible for every shilling he has made), I ask, how are they to contend that this witness is not to be credited in every part of the testimony he has given.

The learned counsel then read some passages from the evidence to show, that the permission to Mr. Trotter was chiefly confined to official convenience; and that it was not with a view to make any money by it.

The witness was also asked, said Mr. Adams, "But "was there then, or at any subsequent time, any per- "mission given by Lord Melville to draw monies "from the bank for any other purpose?"—"Never." no permission was ever given by Lord Melville to draw money from the bank for any other purpose. And then he represented the nature of the convenience which he conceived would arise.

There is an examination of Lord Melville likewise in evidence before your lordships which was taken before the Commissioners of Naval Inquiry; I must refer your lordships to that testimony; because you will see there what the nature of Lord Melville's conception of it was; and that he had at that time no other conception but that it was a measure of mere official convenience.

And now comes the question with regard to Mr. Trotter having received a profit to a very considerable extent, and having had very large balances in his hand, and having increased those balances in proportion as the nature of the service, and the supplies required for a war, enabled him to increase them. Of these facts there can be no doubt: but my Lord Melville, upon an antecedent conduct, founded in a representation, such as I have stated, is not to be tried by what Mr. Trotter has himself denominated his subsequent delinquency. You are not to take the fact that it was permitted because it was done; and you will not be surprized, that Lord Melville, constantly and entirely occupied as he was in the great public affairs of the state, finding the business of the office going on regularly, the machine never standing still for a moment, no complaint made, and the payments all regular, should place perfect confidence in Mr. Trotter, and forbear to inquire minutely into the detail of the business he was conducting. He knew him too to be connected with people of wealth and consideration;

and therefore might reasonably suppose he had other means of obtaining money than by flying to the public coffer of the country..

After Lord Melville quitted the office, in the year 1800, and Lord Harrowby was appointed in 1802, Mr. Bathurst was appointed; neither of these persons, both of whom continued Mr. Trotter in his office, ever suspected he was guilty of these malversations; and yet he continued the same practice under them as he had done under Lord Melville.

The learned counsel then read some passages from the evidence of Mr. Whitbread, to show that Lord Melville did not authorize to draw the money from the bank for his private emolument; though he admitted, that he supposed that when drawn for official purposes, Mr. Trotter might have derived some emolument from its remaining at Mr. Coutts's, according to the custom of Scotch Banks.

My Lords, if we talk of official neglect, there is a direct positive proof there was none; the machine went without the smallest interruption to the last. With regard to the superior matters, you have it in evidence from Mr. Trotter, that, upon every occasion, he found Lord Melville's ear open to public matters, though extremely inattentive to his private concerns.

My Lords, not only so, but in what respects the regulation of the navy, which intimately concerns the happiness of mankind, which is the result of humanity, of consideration, and of attention to those who are in the lower situations of life, you find the noble lord active in the discharge of his duty; and I will venture to say, with the exception of one statute, put upon the statute book by Mr. George Grenville, there does not occur, from the existence of this office to the present time, any treasurer of the navy who has rewarded the services of those brave men, owing to whose battles I am now enabled to address your lordships in the cause of innocence; I state, that there is not one person during the whole history of this important office, who has put upon the statute book laws more fraught with wisdom, or more congenial to humanity. My Lords, is this a person to be supposed guilty of a

dirty money-making crime, which disgraces every man, let his character be ever so high?

My Lords, I now proceed to examine the different items, which have been the subject of consideration by the speech and evidence of the honourable managers, and by the observation of my learned friend. I stated to your lordships, that I should in the discussion of the first 10,000*l.* discuss the second, but I believe in my address to your lordships, I omitted to state to your lordships, that there is no evidence whatever that this second 10,000*l.* was drawn from the bank, that on the contrary it was taken from assigned monies at Mr. Coutts's; and that it has been actually applied to naval purposes.

My Lords, the circumstances of the loan of 4,000*l.* on bond, were not stated as a subject of criminal charge, but rather to prove a corrupt intention. A great deal was said by the honourable manager of the meanness of Lord Melville's taking this money without interest. It is a singular circumstance, that the honourable manager, who opened these charges, should relieve Lord Melville from the imputation of avarice, and should state that he wanted money, not for aggrandizement, but only for the purpose of obtaining power, and that the learned gentleman, who summed up, should endeavour to fasten upon him meanness. Those two arguments are perfectly inconsistent. A man, who means to aggrandize himself, merely to get power, does not mean to deprive a person near him of profit.

Mr. Trotter came into office upon Mr. Douglas's death; Lord Melville signed a receipt to Mr. Douglas's executors, for two sums, amounting to 4,500*l.*, or thereabouts, stated to be exchequer fees of the old treasurership, and it is in evidence that the constant usage of the office, with regard to exchequer fees, is that they stand upon a footing different from the other money; that they have always been considered as the paymasters money, and that the paymaster has held them for the purpose of making a profit; that is avowed, declared, and understood to be the state of the office. Then Mr. Trotter has this sum of 4,500*l.*

put into his poossession by Lord Melville. I do not know that there was any necessity for Lord Melville's putting it into Mr. Trotter's possession; he might have directed any other clerk in the office to pay the exchequer fees, and then Lord Melville would have stood in the situation of the paymaster; but it never entered his mind to make a profit of this instead of his paymaster. I wish to read the words of the evidence on this subject, "Why did you advance a sum of money to Lord Melville without interest?" "I did not feel myself entitled to charge his lordship interest for money which had been put into my hands, under the situation which I have described." "Did you describe to Lord Melville the reason why you did not charge interest?" "I did not, nor did I press it upon his lordship's attention so much as to know, whether he ever knew that it did bear interest or not." Your lordships will observe then, that, according to the testimony of Mr. Trotter, Lord Melville is totally ignorant of this 4,000*l.* being without interest, and with regard to Lord Melville applying to Mr. Trotter, at that time represented to be in poor circumstances, and asking him to obtain 4,000*l.* for him, it seems an extraordinary observation, when, on other parts, the honourable managers say, Mr. Trotter, as Lord Melville's man of business, did his business for nothing. If a person wishes to borrow a sum of money, to whom does he apply, but to his man of business, and under these circumstances, was it unnatural that Lord Melville should employ Mr. Trotter to get a sum of money for him? And Mr. Trotter says, that the situation in which he stood, made it a matter of conscience in him to forego that gain he might otherwise have made; but, with regard to Lord Melville, he never brought it to his mind, or observed that he had the money without interest; and therefore, surely it is against all rule, and every mode of construing evidence, to presume that Lord Melville had a full knowledge that this money was without interest. It was a temporary loan: the bond shows it was a private loan, and the bond is not here to be produced; and so temporary a loan was it, that your lordships observe it is very soon

after written off; it no longer appears, and the bond is delivered up and carried into the account current. I humbly submit to your lordships therefore, that, up to this period, there is nothing that can fasten anything like a corrupt use of public money; nothing that can fasten anything like a corrupt connivance at the use of public money, nothing that can fasten a corrupt intention upon the part of Lord Melville afterwards to profit by public money.

My Lords, this brings us to the transactions in the year 1787 and 1788, which are the remittances to Scotland, which stand upon this ground; that those remittances were msde by Mr. Trotter to Scotland, and that Mr. Trotter declares in his evidence, that they were very soon afterwards repaid, the words of Mr. Trotter's evidence are these; your lordships will find them in page 133. "Have you any reason to doubt but that the payments made upon that subject, were repaid out of the private funds of Lord Melville?" "I have no reason to doubt it, as there were frequent payments subsequent to that, and they went in reduction of the general account, in which those sums were included."

Thus, my Lords, I trust, I have disposed of every part of these transactions up to the year 1789; and now my lords, we come to that feature of the cause, which was rested upon so mainly and particularly by the honourable and learned manager, who summed up this case. I have been saved a great deal of trouble in what I shall address to your lordships upon this part of the case. I shall certainly not repeat, if I can avoid it, any one word that was said by my learned friend, because I might disappoint its effect.

My Lords, of all the parts of this case this stands the clearest from imputation; and I am entitled here to take my stand, to say this is the fulcrum for which Archimedes wished, from which you cannot remove me, and by which I can turn, (I mean no offence to your lordships,) by which I can turn this judicature at my pleasure, that is to say, by which I can insure an acquittal;—because, my Lords, I am perfectly certain that your lordships will find, when this comes to be

examined, that the fact and the truth, declared by the witness, that the noble lord was entirely ignorant of it, until after the publication of the report of the commissioners of naval inquiry, is a fact that must stand, and that all the presumptions must vanish; and consequently, that the first time Mr. Trotter brings the noble defendant, by conversation, in contact with public money administering benefit, he meets with his displeasure; my Lords, a displeasure, says the honourable and learned manager, which must have been merely pretended—how came he not to chace him from his service? It is a most extraordinary thing, that the honourable manager should say, that a conclusion of that kind is to be drawn from a proposition which was resisted, and put an end to; which was founded upon a representation, that led the noble lord to believe, that every part of his official regulation had been from the time of its institution regularly attended to; for your lordships recollect the representation of Mr. Trotter, in an answer in his examination in chief, is this, that he represented that there were balances in his hands, that it must be long before those balances would be wanted, and that they could be used for the particular purpose of buying this stock. Now upon Mr. Trotter's representing, that there were balances in his hands called for, was the noble lord to suppose (and here it aids another part of the case,) that Mr. Trotter had *withdrawn* his balances *from Mr. Coutts*'s; that he had laid them out in navy bills; that he had sent twenty-five thousand pounds to Scotland? Could any other thing suggest to Lord Melville's mind, but that his official regulations were kept? And because Mr. Trotter had the indelicacy, or the impropriety, to make this proposal, was that a reason for removing an otherwise apparently faithful officer, in whose administration it appears the regularity of the payments continued unvaried; and who had, for a period of four years, at that time, discharged every duty of his office without any one wheel of the machine, as I formerly expressed it, standing still for one moment? To call upon a person to discharge a ser-

vant, otherwise valuable, for such a thing as that, is, I say, an unwarrantable thing; but to infer from thence, that Lord Melville was guilty of a crime, is a stretch which, I think, could hardly be made in a case of any sort in the most petty civil jurisdiction in this country.

My Lords, it is not to be forgotten, that Mr. Lind is made the apparent holder of this India stock; that it was transferred to Mr. Lind's name. There is no doubt but the transaction, as Mr. Trotter states it, was in consequence of a conversation at Wimbledon, respecting the state of the India funds; which that was at that time a very favorite subject of the noble Lord's conversation in private, and a favourite subject of his speeches in parliament; that he stated, as you have heard in parliament repeatedly, that India would so rise in prosperity, that she would soon retrieve England, instead of England being obliged to assist India. The conversation proceeded, and Mr. Trotter at length proposed that he should borrow the money. It is said, is it possible, that upon personal security merely, any body could suppose, that this money could be got? I do confess it did astonish me very much, when I heard that argument from the learned and honourable manager; because in the first place, it is leaving out a considerable portion of the facts of the case; and in the next place, it is totally forgetting the history of the times.

Your lordships will observe what the nature of this transaction is, that it is a purchase of 13,500*l.* or 14,500*l.* India stock; the purchase is made at different times, of 6,000*l.* 6,000*l.* then the remainder.

Some time afterwards, 3,000*l.* of the purchase money is paid, and 1,000*l.* stock is transferred from Mr. Lind to Lord Melville. Now I beg your lordships will attend to that fact, because it does clearly demonstrate, that Lord Melville had every reason to believe the money was advanced by Lind, and the stock was in his name as a security for the repayment of that advance.

Your lordships will recollect that 3,000*l.* is paid off; the stock is a rising stock, and therefore there is

enough to make good a fall, if there should be any. Besides which, Lord Melville's personal security was bound, though he did not give a written acknowledgment, as much as his son's personal security was in the transaction with Mr. Sprot. Above all, my Lords, this transaction was in 1789, when the noble Lord was in the plenitude of power, when there were many persons who would have been infinitely ready to have served him with that sum, or more. It was, besides, a time of profound peace, when the interest of money was four, and four and a half per cent.; and when there was no person, except so negligent a one as the noble defendant, who would have thought of entering into a transaction at five per cent. for any permanent time. All who know the history of the times, and have attended to the subject, know this.

But, my Lords, is this a stock-jobbing transaction, a speculation in the funds? My Lords, this is not a purchase for the purpose of selling again; it is not a purchase for the purpose of making advantage of the turn of the market. Lord Melville was not availing himself of any information he received from his situation, to take advantage of a sudden, and, by other persons unexpected, rise of the market. The stock was bought in 1789, it was not sold till 1803. Ultimate and distant advantage was looked to. It was a transaction, which, if Lord Melville thought eligible, (as he might have thought it eligible to purchase a particular estate,) which was likely to increase considerably in its value, in consequence of the natural improvement of the country, arising from natural causes and superintending care, he had a perfect right to have done so; and had as good a right as any man in the kingdom to lay out his own money, or borrowed money, in the funds of the East India company; and was no more to be excluded from the funds of the East India company, than he was to be from the general funds of the kingdom—nay, more; if it suited Lord Melville's convenience to invest a sum of money permanently in India stock, he did a right act towards the public, to shew thereby his opinion of the affairs of

India, upon which so great a part of the prosperity of this country depended. I say, therefore, in its foundation, it is an honest transaction; in its character it is a rational transaction, and Lord Melville has nothing to do with what passed behind the scene; Lord Melville knew nothing of the real transaction till after the commissioners report in 1805, sixteen years after the period of the purchase.

My Lords, I have stated that this transaction begun in time of peace, when money was at low interest. Mr. Trotter took this money from the public coffers, and without the knowledge of Lord Melville, applied it to the purchase of stock for his lordship. He made Lord Melville believe it was Mr. Lind's money. He obtained Mr. Lind's transfer of 1,000*l.* of that stock to Lord Melville. He made Lord Melville regularly pay interest for it. Therefore, Mr. Trottor, in times of peace, when he could not lend 23,000*l.* taken from the public chest at the rate of five per cent. did make 5 per cent. of it, through the medium of Lord Melville. If we are to have recourse to inferences, to deal in presumptions, is it rational to presume that Lord Melville knew this; or more rational to presume that Mr. Trotter concealed it from him for a double purpose; first, for the purpose of shewing that he was anxiously desirous of serving his patron and protector, by obtaining for him the loan, and next for the purpose of acquiring to himself a better interest for public money than he at that period of time could make any where else. There is the fair presumption; and I will here venture to dismiss this part of the case, in full satisfaction, that when your lordships come to weigh this, and accompany it with the observations made by my learned friend near me, you must see this matter in its true light, and be convinced that Lord Melville is irreproachable in the transaction.

There is an observation, however, of the honourable and learned manager which I must not pass over. He says, Mr. Trotter had done Lord Melville so infinite a favor in his accommodation to him, that Lord Melville encouraged him to make use of the public money to

any extent; and accordingly a state of the balances is produced, to shew how much Mr. Trotter had out of the bank.—In 1788, 61,000*l.*—May 31st, 1790, 64,800*l.*—31st March, 1792, 102,388*l.*—31st October, 1793, 115,000*l.*—30th of April, 1794, 161,425*l.* 17*s.* 9*d.*—28th Feb. 1795, 269,879 17*s.* 9*d.*—In 1795, again (30th April) 310,325*l.* 17*s.* 9*d.*

Now, my Lords, I must again advert to the history of the times—it is impossible to try a great state cause without doing so. Your lordships cannot fail to recollect, that when the small balances were out, times of profound peace existed. In 1788, when there was a rupture with Spain, and the consequence was an increased navy, money issued to the treasurer more abundantly, and the balances in Mr. Trotter's hands immediately started, and yet those balances are before the transactions of 1789. It continues profound peace till 1792. During these three years Mr. Trotter takes no advantage of the additional licence and encouragement he had obtained with Lord Melville's. But when the war breaks out in 1793, Mr. Trotter again increases his own balances for his own private emolument.

I submit, therefore, that the consequence, and, what is of more importance, the fact itself cannot by possibility be laid to Lord Melville's charge, in the manner in which the honourable manager states it.

Now, my lords, with respect to the loyalty loan, I wish to state to your lordships this—the very name of the fund sufficiently designates its nature. It was a contribution found to be patronized by all persons in power; a contribution for the purpose of elevating the spirits and the stocks of the country. Can any thing be more indicative of this characteristic of that fund, than Mr. Pitt standing at the head of the subscribers for 10,000*l.*? Your lordships will see there are other ministers and other persons of consideration, subscribing largely, and that the three persons considered as at the head of administration at that time, Lord Grenville, Mr. Pitt, and Mr. Dundas, subscribing 10,000*l.* each; now this is a feature which ne-

gatives gain, and raises a presumption directly against profit. I have shewn your lordships that it was not a stock of gain. And now I have shewn your lordships that the minister to profit was not the minister to this, for it is supposed that Mr. Trotter is the pander to Lord Melville's gains; that he is the person to be looked on as the actor when any scene of profit takes place. But, my lords, Mr. Trotter is absent here, he knew nothing about the original subscription. Mr. Henry Drummond arranged that, and he is unfortunately dead. The instalments, however, are from time to time paid by Messrs. Coutts, and to them repaid by Mr. Trotter, out of the mixed account into which Lord Melville's money went, from whatever quarter it came. These payments are carried to the accounts current, of which the balance is not settled till 1800, and Lord Melville hears nothing of the loyalty till that period. But it is most important to your lordships to observe, that Lord Melville executed powers of attorney to Mr. Trotter's banker to sell this and all Lord Melville's other stocks, upon Mr. Trotter's order and for his benefit. Will any body say Mr. Trotter was not well secured: All the stocks in Lord Melville's name are put into Mr. Trotter's power, and those which were not in his name, (the 7,000*l.* reduced, and the 13,500*l.* East India, were already at his mercy). From that moment Lord Melville, if he had been the most attentive man to his own affairs, might fairly and properly have discharged his mind from all consideration and care about the loyalty loan. Thus, my lords, is Mr. Trotter master and controuler of stock to the value of more than 20,000*l.* for securing an advance of 10,000*l.* Instead of contenting himself with that security, from a motive which he states to be an anxiety and attention to his own interest, he transfers this advance for the loyalty loan from the account current to the chest account. "Lord Melville," he says, "was indebted to me as a private individual only, upon the account-current, and I considered him indebted to government for the balance upon the chest-account." "Did you state to Lord

Melville that you wished or intended to transfer this loyalty loan money from the account-current to the chest-account?" "I do not recollect that I positively stated it to his Lordship, but I delivered accounts which bore it upon the face of them." "Did Lord Melville approve of the transfer of the loyalty loan to the chest-account." "He neither approved nor disapproved of it; he took the accounts without any consideration." And it is in evidence likewise that Mr. Trotter never called his attention to the item. That Lord Melville never examined any account in Mr. Trotter's presence; and that he always signed them before they parted.

Mr. Trotter I have stated to have been secured in a sum of money equal to 20,000*l.* when the loyalty loan was paid up. But notwithstanding that, he tranfers this sum to the chest-account. What was this chest-account? Supposing the instant afterwards, Mr. Trotter and Lord Melville had both died, or supposing Mr. Trotter had died, and left no vestige behind him or traces of what the nature of their transaction was, and the chest-account had appeared, would not Lord Melville have stood in the situation of a person who had given complete security for the advance of the loyalty, and who, notwithstanding, stood responsible to the public for the whole amount of these advances upon the chest-account? for the chest-account is a memorandum which Lord Melville could not controvert, because his 40,000*l.* was put to it, and his 10,000*l.* was put to it, and if it remained there he must pay it. But would not Lord Melville, if this item had been pointed out to him in the chest-account, have said—What, Mr. Trotter! do you mean to charge me in this double capacity? Is your anxiety about your own interest so great that you are not contented merely with having this power to sell the loyalty and other funds for your own benefit, but you must make me and my representatives liable to the public in 10,000*l.*, and liable to, what is more, to be questioned in the high court of parliament by impeachment? Is not this the true feature of the transaction? Will not

your lordships believe now that Lord Melville was an indolent man about his own private affairs? and it detracts nothing from the noble lord's character or the dignity of his mind that he is so. This proves his inattention to and ignorance of his own affairs, but it proves more, it proves he was particularly inattentive to the chest account; it proves to demonstration that this particular item, to Lord Melville's knowledge, never was in the chest-account. This brings me to the 7,000*l.* reduced annuities, which, according to the evidence of Mr. Trotter came from friends of Lord Melville: and he laid it out without his lordship's direction, because it had been a productive fund before.

My lords, it is in evidence before your lordships, that my Lord Melville signed the accounts without reading them; that he was extremely negligent with regard to his own affairs, and that negligence does not rest merely upon the testimony of Mr. Trotter or any other witness, but is proved by the transactions themselves; particularly by his not having made any observation as to the state of the chest account. I now submit to your lordships gravely, that you are now in a criminal court, not in a civil cause, that whatever presumption may be just in a civil case, with regard to a person signing a deed which he has not read, or signing an account which he has not perused, may be sufficient against him, or however he may be bound in the civil transactions of life, I am sure your lordships will never apply that principle in a criminal case; on the contrary, if it is clearly in evidence before your lordships, that there was, notwithstanding the civil effect of the negligence, such negligence as prevented the party from knowing what was in the paper he signed; such negligence as prevented the party from knowing what account was in the book or the paper delivered over to him; your lordships never can infer, in a criminal cause, that that construction is to be made which is to be made in a civil case; on the contrary, I take it that in every case of a criminal nature it is essential, that in order to fix the criminality you must establish the guilty mind; that you cannot

establish a guilty mind where there is an ignorant mind, and that therefore, where there is a complete ignorance and want of knowledge, there cannot by possibility, be an inference of guilt; from an act, which, if done in a civil case, I certainly cannot pretend to state to your lordships would not be sufficiently binding upon the individual.

The learned counsel next stated the evidence with respect to the release, which he insisted was proved most clearly to be the act of Mr. Trotter alone for his own safety.

My lords, continued Mr. Adam, there is likewise one other observation to be made with respect to the destruction of papers. I have had occasion to state to your lordships, that Mr. Trotter, at the commencement of his account of this business did not speak out; and that it is owing to Mr. Trotter's sheltering himself under the protection which the law gave him, and not thinking it wise to disclose any thing which should discover either his delinquency or his profits, that your lordships are now here, for from the moment that Mr. Trotter did disclose to this noble and most elevated court, the real nature of the transactions between him and Lord Melville, all idea of corruption on the part of Lord Melville was vanished and dispersed. I submit to your lordships that the same caution which dictated Mr. Trotter's silence, dictated likewise the destruction of his papers; he was determined to be silent that his gains might not be discovered by himself: he was determined to destroy his papers that they might not be discovered there. Here is a direct motive on the part of Mr. Trotter for the destruction of his papers; he proves that he destroyed them for his own purposes, and that Lord Melville was not privy to that destruction. When I can shew your lordship's a direct motive on the part of Mr. Trotter, for the act he did, and which motive is consistent with reason and with the general nature of his case, your lordship will not resort to a strained inference of a motive of another kind, operating upon the mind of another man. Your lordships will be

satisfied that all Mr. Trotter's taciturnity would have availed him nothing if the commissioners had laid their hands upon the papers he burnt under the clause in the release, and therefore here was a direct motive upon the part of Mr. Trotter to destroy those papers, which might have rendered his silence totally and completely abortive; for until this case took its progress before the Commons in Parliament, Mr. Trotter acted uniformly upon the idea of protecting himself from criminal accusation and from civil suit, by maintaining a positive silence as to all the facts which could by possibility disclose either his guilt or his gain.

My lords, this, I think, seems to me to wind up all the observations that are necessary to be made upon the case, which I have been entrusted to state to your lordships. I will not delay your lordships any further. I have to return your lordships my most sincere thanks for that attention with which you have honoured me. I have to state in the most anxious manner that I am perfectly sure your lordships will not, when you come to examine this evidence, when you come to compare the conduct of the noble person accused; the liberality and disinterestedness of that conduct with respect to public money, vouched by the very persons who accuse him; when you consider that there is no avarice in this case, and that the whole tenor of the noble lord's life is against such a crime as he is here accused of. When your lordships consider that all the facts and circumstances narrated, either those which are more ancient or more modern, are not sufficiently sustained by the evidence to warrant the conclusions the managers would draw from them, or that they are sufficiently refuted; when your lordships consider, above all, that the facts which are proved by the principal witness are perfectly coincident with the nature of the presumptions we have suggested, and that all the presumptions to the contrary are forced and strained: when your lordships consider all these things, and deliver your judgment of guilty or not guilty upon your honour, your lordships will not conceive, that under the first authority by which

Lord Melville acted—the warrant—Lord Melville has committed any crime. My lords, that warrant lays him under a civil obligation; that warrant was stated to your lordships by my learned friend, in a manner in which I am sure I should do but ill at this time of day to attempt to follow him, and I therefore merely refer your lordships to that argument. But, my lords, I contend that the fact is more important to the noble lord than any argument upon the legal effect of the warrant. I contend that the noble lord is not proved corruptly, intentionally, or at all, to have taken one single sixpence of the public money; and, that being the case, that it is unnecessary to reason upon the operation of the warrant. My lords, I am sure that your lordships must be satisfied, from the clear manner in which my lord Melville, when the witness's mouth was opened, was freed from all imputation of moral guilt: was freed from all connexion with corruption, and from all desire of making money: that he was, from that instant, freed from all political crime. My lords, it would be a terrible thing if the hearts of the court were to be at variance with its records. My lords, it cannot be, because I trust that the argument upon the statute renders my Lord Melville as free, from legal crime as the arguments upon the facts; and the facts themselves shew him to be perfectly free always and is now incapable of any such crime.

My Lords, I stated to your lordships before it is the *mens rea*. You are to consider, Lord Melville's situation is most extremely singular in this country, renowned for the wisdom of its laws, for the humane policy of its criminal code. The first and ruling principle in that code has been reversed. My Lords, the law says, that no person shall be held to be guilty till he shall be convicted by trial, but that every person till found guilty, shall be presumed innocent.

My Lords, the noble defendant stands in a situation directly the reverse; he has been found guilty, and he has been punished.

My Lords, the cause of that undoubtedly I have endeavoured to explain to your lordships. I have endeavoured to shew you that the honourable silence of Lord Melville, dictated by his sense of public duty, and his sense of personal delicacy; and the silence of Mr. Trotter dictated by the motive that I have described, left the country in ignorance, till this cause came to your lordship's bar.

My Lords, the case is now explained; you cannot relieve the noble person from the misery he has suffered in the interval; he has borne it with fortitude; he has borne it like a philosopher and a christian. My Lords, he has borne it from a feeling of conscious innocence, and in confidence, that the verdict of acquittal of his peers will restore him to his family, his friends, and his sovereign.

The case for the defendant having closed, the Attorney General (Sir Arthur Piggott) made a very learned and able argument upon the construction of the act of parliament, and Mr. Whitbread was heard at considerable length in reply upon the rest of the case; but the limits of this work will not admit of those speeches being reported. The legal argument, as is stated before, cannot be interesting to the general reader; and the public may rest satisfied that the true meaning and spirit of the act of Parliament has been accurately expounded by the unanimous opinion of the learned judges.

Several days were occupied by the House of Lords, in discussing, in their chamber of parliament, in close committee, the various parts of this most important cause; and on the 12th of June, 1806, they met in Westminster Hall to give their verdicts, when the question of, Guilty or Not Guilty? having been put by the Lord Chancellor to each peer, upon each article separately, the numbers appeard as follow;—

Article	Guilty.	Not Guilty.	Majority.
1st	15	120	105
2d	54	81	27
3d	52	83	31
4th	None.	135	135
5th	3	132	129
6th	47	88	41
7th	50	85	85
8th	14	121	107
9th	16	119	103
10th	12	123	111
Totals	263	1087	824

The Lord Chancellor then declared, that Lord Melville was acquitted of all the articles charged against him by the impeachment, and of every matter and thing therein contained.

APPENDIX.

Questions put to the Judges.

I. WHETHER monies issued from the Exchequer to the Governor and Company of the Bank of England, on account of the Treasurer of his Majesty's Navy, pursuant to the Act of the 25th Geo. 3, c. 31, may be lawfully drawn from the said Bank, by the person duly authorized by the Treasurer to draw upon the Bank, according to the said Act, the draft of such person being made for the purpose of discharging bills actually assigned upon the Treasurer before the date of such drafts, but not actually presented for payment before such drawing; and whether such monies, so drawn for such purpose, may be lawfully lodged and deposited in the hands of a banker, until the payment of such assigned bills, and for the purpose of making payment thereof, when the payment thereof shall be demanded. Or, whether such act, in so drawing such monies, and lodging and depositing the same as aforesaid, is in the law a crime or offence.

II. Whether monies issued from the Exchequer to the Bank of England, on account of the Treasurer of the Navy, pursuant to the Act of 25th Geo. 3, c. 31, may be lawfully drawn therefrom, by drafts drawn in the name and on the behalf of the said Treasurer, in the form prescribed by the said Act, for the purpose of such monies being ultimately applied to Navy Services, but in the mean time, and until the same should be required to be so applied, for the purpose of being deposited in the hands of a private banker, or other private depository of such monies, in the name and under the immediate sole controul and disposition of some other person or persons than the said Treasurer himself.

III. Whether it was lawful for the Treasurer of the Navy, before the passing of the Act of 25th Geo. 3, c. 31, and more especially when, by warrant from his Majesty, his salary as such Treasurer as aforesaid was augmented, in

full satisfaction for all wages, fees, and other profits, and emoluments, to apply any sum of money, impressed to him for Navy Services to any other use whatsoever, public or private, without express authority for so doing; and whether such application by such Treasurer would have been a misdemeanor, punishable by information or indictment.

Answer to the First Question.

That monies issued from the Exchequer to the Governor and Company of the Bank of England, on account of the Treasurer of his Majesty's Navy, pursuant to the Act of 25th Geo. 3, c. 31, may be lawfully drawn from the said Bank, by the person duly authorized by the Treasurer to draw upon the Bank, according to the said Act, the drafts of such person being made for the purpose of discharging bills actually assigned upon the Treasurer, before the dates of such drafts, but not actually presented for payment before such drawing; and that such monies, so drawn for such purpose, may be lawfully lodged and deposited in the hands of a banker, other than the Governor and Company of the Bank, until payment of such assigned bills, and for the purpose of making payment thereof, when the payment thereof shall be demanded; and that such act, in so drawing such monies, and lodging and depositing the same as aforesaid, is not in the law a crime or offence.

Answer to the Second Question.

If by the expression " for the purpose of being deposited in the hands of a private banker or other private depositary," is to be understood that such was the object or reason of drawing the money out of the Bank of England, the Judges answer that monies may not be lawfully drawn out of the Bank of England by the Treasurer of the Navy for such purpose, although the money be intended to be, and may in fact be ultimately applied to Naval Services; but, if by that expression it is to be understood, that such intermediate deposit in the hands of a private banker or depositary, is made *bonâ fide* as the means, or supposed means, of more conveniently applying the money to Naval Services, in that case the Judges answer, that monies issued from the Exchequer to the Bank of England, on account of the Treasurer of the Navy, pursuant to the Act of 25th Geo. 3, c. 31, may be lawfully drawn therefrom by drafts drawn in the name, and on the behalf of the Treasurer, in the form prescribed by the said Act, for the purpose of such monies being ultimately applied to Naval Services, although in the mean time, and until the

same shall be required to be so applied, the money may be deposited in the hands of a private banker, or other private depositary of such monies, in the name and under the immediate sole controul and disposition of some other person or persons than the Treasurer himself.

Answer to the Third Question.

The Judge's answer that it was not unlawful for the Treasurer of the Navy, before the Act of 25th Geo. 3. c. 31, although after the warrant stated in the question, to apply any sum of money imprested to him for Navy Services, to other uses, public or private, without express authority for so doing, so as to constitute a misdemeanor punishable by information or indictment.

COPIES OF REQUISITIONS, &c.

To George Scholey and William Domville, Esquires, Sheriffs of the County of Middlesex:

We, the undersigned Freeholders of the county of Middlesex, request that you will call a meeting of the Freeholders of the county of Middlesex, for the purpose of taking into consideration the gross violations of the law, and the flagrant abuses in the management and expenditure of public money, which have been lately detected by the Commissioners of Naval Inquiry, and towards the investigation, reform, and punishment of which the representatives of the people in parliament have made so virtuous a progress.

(Signed) *Norfolk, E. M. — Bedford — Devonshire — Northumberland — Dundas — A. H. Shove — Thomas Holmes — Joseph Thomson — John Richards — Charles Morrice.*

In consequence of the above requistion, we appoint a meeting of the Freeholders of the county of Middlesex, to be held at the Mermaid, Hackney, on Thursday, the 2d of May next, at twelve.

April 19. *George Scholey*
William Domville

To James Blunt, Esq. Sheriff of the County of Southampton.

We, the undersigned Freeholders of the county of Southampton, request that you will call a meeting of the Free-

holders of the said county, for the purpose of taking into consideration the gross violations of the law, and the flagrant abuses in the management and expenditure of the public money, brought to light by the Commissioners of Naval Inquiry instituted by Parliament, and also for the purpose of expressing our approbation of the conduct of the House of Commons, whose just censure of the abuses already discovered, and whose further investigation into the conduct of those persons who may be implicated in or have connived at these unprincipled practices, demand and deserve our encouragement and support.

(Signed) *Winchester—Chandos—Temple—Carnarvon—Portsmouth.*

Meeting appointed at the Castle of Winchester, Thursday, May 16.

To John Moseley, Esq. High Sheriff of the County of Norfolk.

We, the undersigned Freeholders of the county of Norfolk, request that you will call a meeting of the Freeholders of the county of Norfolk, for the purpose of taking into consideration the gross violations of the law, and the flagrant abuses in the management and expenditure of public money, which has lately been detected by the Commissioners of Naval Inquiry, and towards the investigation, reform, and punishment of which the Representatives of the People of England have already made some progress, and are endeavouring to carry into effect.

(Signed) *Albemarle—Cholmondeley—Walpole—Petre—John Lombe—Richard Paul Joddrell—John Gurdon—E. Rolfe—Robert Plumtree—Henry Styleman—S. Payne Galway—Edward Roger Pratt—M. S. Brathwayt—John Mattens—Robert Lee Doughty—E. Rolfe, Jun.—S. Bevan.*

Meeting appointed at the Swan Inn, Norwich, on the 14th May.

To Sir Watkin Lewes, Knight, High Bailiff of the Borough of Southwark.

We, the undersigned Electors of the borough of Southwark, do request you to convene, at an early and convenient day, a meeting of the Electors of this Borough, to take into consideration the gross system of flagrant abuse in the management of public money, which has been brought to light

by the Commissioners of Naval Inquiry, wherein a late eminent Member of his Majesty's Administration had assumed to himself the dangerous power of dispensing with the enacting clauses of a plain positive law, by which immense sums of the public money have been put to hazard, for the purposes of private gain, in direct contempt of a statute passed expresisy to prevent this very crime, practices which have brought discredit upon the King's Government, and called forth the just condemnation of the House of Commons, whose laudable progress towards the efficient correction of these delinquencies, demands the support, the approbation, and encouragement of the whole empire.

(Signed) *Richard Shepley—Edward Marsden—John Ellis—John Swaine—Mark Dixon—Samuel Lee—John Gardner—John Lane—Geo. Guyatt—John Fox—James Slade—J. W. Dawkins—E. Dickenson—Prince, Son, and Johnson—William Little—G. W Wood—Thomas Stokes—M. Shaw—W. W. Hugstone—R. Roberts—Thomas Willet—Abraham Puttley.*

Extracted from the Morning Chronicle, May 4, 1805.

PALACE YARD, MAY 8.

At a Meeting of the Electors it was resolved unanimously:

I. That the votes of the House of Commons on the 8th and 10th of April last, on the motions of Samuel Whitbread, Esq. founded upon the 10th Report of the Commissioners of Naval Inquiry, declaring the Lord Viscount Melville to have committed a gross violation of law, and a high breach of his public duty; have diffused through this astonished and indignant nation, the most heartfelt satisfaction and gratidue.

II. That the intrepid and virtuous discharge of the duties with which the Legislature have invested the Commissioners of Naval Inquiry, has filled every upright mind with the profoundest veneration towards those Commissioners, that the renewal of their power, and the enlargement of their authority, are objects of the utmost interest to this meeting, and that we are persuaded the whole nation participates in this sentiment.

III. That it is not among the slightest testimonials to the House, and fidelity of these Commissioners, that the only persons who have dared to insinuate any thing to their disadvantage, are those alone, who, if not the actual accomplices

satisfied that all Mr. Trotter's taciturnity would have availed him nothing if the commissioners had laid their hands upon the papers he burnt under the clause in the release, and therefore here was a direct motive upon the part of Mr. Trotter to destroy those papers, which might have rendered his silence totally and completely abortive; for until this case took its progress before the Commons in Parliament, Mr. Trotter acted uniformly upon the idea of protecting himself from criminal accusation and from civil suit, by maintaining a positive silence as to all the facts which could by possibility disclose either his guilt or his gain.

My lords, this, I think, seems to me to wind up all the observations that are necessary to be made upon the case, which I have been entrusted to state to your lordships. I will not delay your lordships any further. I have to return your lordships my most sincere thanks for that attention with which you have honoured me. I have to state in the most anxious manner that I am perfectly sure your lordships will not, when you come to examine this evidence, when you come to compare the conduct of the noble person accused; the liberality and disinterestedness of that conduct with respect to public money, vouched by the very persons who accuse him; when you consider that there is no avarice in this case, and that the whole tenor of the noble lord's life is against such a crime as he is here accused of. When your lordships consider that all the facts and circumstances narrated, either those which are more ancient or more modern, are not sufficiently sustained by the evidence to warrant the conclusions the managers would draw from them, or that they are sufficiently refuted; when your lordships consider, above all, that the facts which are proved by the principal witness are perfectly coincident with the nature of the presumptions we have suggested, and that all the presumptions to the contrary are forced and strained: when your lordships consider all these things, and deliver your judgment of guilty or not guilty upon your honour, your lordships will not conceive, that under the first authority by which

Lord Melville acted—the warrant—Lord Melville has committed any crime. My lords, that warrant lays him under a civil obligation; that warrant was stated to your lordships by my learned friend, in a manner in which I am sure I should do but ill at this time of day to attempt to follow him, and I therefore merely refer your lordships to that argument. But, my lords, I contend that the fact is more important to the noble lord than any argument upon the legal effect of the warrant. I contend that the noble lord is not proved corruptly, intentionally, or at all, to have taken one single sixpence of the public money; and, that being the case, that it is unnecessary to reason upon the operation of the warrant. My lords, I am sure that your lordships must be satisfied, from the clear manner in which my lord Melville, when the witness's mouth was opened, was freed from all imputation of moral guilt: was freed from all connexion with corruption, and from all desire of making money: that he was, from that instant, freed from all political crime. My lords, it would be a terrible thing if the hearts of the court were to be at variance with its records. My lords, it cannot be, because I trust that the argument upon the statute renders my Lord Melville as free from legal crime as the arguments upon the facts; and the facts themselves shew him to be perfectly free always and is now incapable of any such crime.

My Lords, I stated to your lordships before it is the *mens rea*. You are to consider, Lord Melville's situation is most extremely singular in this country, renowned for the wisdom of its laws, for the humane policy of its criminal code. The first and ruling principle in that code has been reversed. My Lords, the law says, that no person shall be held to be guilty till he shall be convicted by trial, but that every person till found guilty, shall be presumed innocent.

My Lords, the noble defendant stands in a situation directly the reverse; he has been found guilty, and he has been punished.

My Lords, the cause of that undoubtedly I have endeavoured to explain to your lordships. I have endeavoured to shew you that the honourable silence of Lord Melville, dictated by his sense of public duty, and his sense of personal delicacy; and the silence of Mr. Trotter dictated by the motive that I have described, left the country in ignorance, till this cause came to your lordship's bar.

My Lords, the case is now explained; you cannot relieve the noble person from the misery he has suffered in the interval; he has borne it with fortitude; he has borne it like a philosopher and a christian. My Lords, he has borne it from a feeling of conscious innocence, and in confidence, that the verdict of acquittal of his peers will restore him to his family, his friends, and his sovereign.

The case for the defendant having closed, the Attorney General (Sir Arthur Piggott) made a very learned and able argument upon the construction of the act of parliament, and Mr. Whitbread was heard at considerable length in reply upon the rest of the case; but the limits of this work will not admit of those speeches being reported. The legal argument, as is stated before, cannot be interesting to the general reader; and the public may rest satisfied that the true meaning and spirit of the act of Parliament has been accurately expounded by the unanimous opinion of the learned judges.

Several days were occupied by the House of Lords, in discussing, in their chamber of parliament, in close committee, the various parts of this most important cause; and on the 12th of June, 1806, they met in Westminster Hall to give their verdicts, when the question of, Guilty or Not Guilty? having been put by the Lord Chancellor to each peer, upon each article separately, the numbers appeard as follow;—

Article	Guilty.	Not Guilty.	Majority.
1st	15	120	105
2d	54	81	27
3d	52	83	31
4th	None.	135	135
5th	3	132	129
6th	47	88	41
7th	50	85	85
8th	14	121	107
9th	16	119	103
10th	12	123	111
Totals	263	1087	824

The Lord Chancellor then declared, that Lord Melville was acquitted of all the articles charged against him by the impeachment, and of every matter and thing therein contained.

APPENDIX.

Questions put to the Judges.

I. WHETHER monies issued from the Exchequer to the Governor and Company of the Bank of England, on account of the Treasurer of his Majesty's Navy, pursuant to the Act of the 25th Geo. 3, c. 31, may be lawfully drawn from the said Bank, by the person duly authorized by the Treasurer to draw upon the Bank, according to the said Act, the draft of such person being made for the purpose of discharging bills actually assigned upon the Treasurer before the date of such drafts, but not actually presented for payment before such drawing; and whether such monies, so drawn for such purpose, may be lawfully lodged and deposited in the hands of a banker, until the payment of such assigned bills, and for the purpose of making payment thereof, when the payment thereof shall be demanded. Or, whether such act, in so drawing such monies, and lodging and depositing the same as aforesaid, is in the law a crime or offence.

II. Whether monies issued from the Exchequer to the Bank of England, on account of the Treasurer of the Navy, pursuant to the Act of 25th Geo. 3, c. 31, may be lawfully drawn therefrom, by drafts drawn in the name and on the behalf of the said Treasurer, in the form prescribed by the said Act, for the purpose of such monies being ultimately applied to Navy Services, but in the mean time, and until the same should be required to be so applied, for the purpose of being deposited in the hands of a private banker, or other private depository of such monies, in the name and under the immediate sole controul and disposition of some other person or persons than the said Treasurer himself.

III. Whether it was lawful for the Treasurer of the Navy, before the passing of the Act of 25th Geo. 3, c. 31, and more especially when, by warrant from his Majesty, his salary as such Treasurer as aforesaid was augmented, in

full satisfaction for all wages, fees, and other profits, and emoluments, to apply any sum of money, impressed to him for Navy Services to any other use whatsoever, public or private, without express authority for so doing; and whether such application by such Treasurer would have been a misdemeanor, punishable by information or indictment.

Answer to the First Question.

That monies issued from the Exchequer to the Governor and Company of the Bank of England, on account of the Treasurer of his Majesty's Navy, pursuant to the Act of 25th Geo. 3, c. 31, may be lawfully drawn from the said Bank, by the person duly authorized by the Treasurer to draw upon the Bank, according to the said Act, the drafts of such person being made for the purpose of discharging bills actually assigned upon the Treasurer, before the dates of such drafts, but not actually presented for payment before such drawing; and that such monies, so drawn for such purpose, may be lawfully lodged and deposited in the hands of a banker, other than the Governor and Company of the Bank, until payment of such assigned bills, and for the purpose of making payment thereof, when the payment thereof shall be demanded; and that such act, in so drawing such monies, and lodging and depositing the same as aforesaid, is not in the law a crime or offence.

Answer to the Second Question.

If by the expression "for the purpose of being deposited in the hands of a private banker or other private depositary," is to be understood that such was the object or reason of drawing the money out of the Bank of England, the Judges answer that monies may not be lawfully drawn out of the Bank of England by the Treasurer of the Navy for such purpose, although the money be intended to be, and may in fact be ultimately applied to Naval Services; but, if by that expression it is to be understood, that such intermediate deposit in the hands of a private banker or depositary, is made *bonâ fide* as the means, or supposed means, of more conveniently applying the money to Naval Services, in that case the Judges answer, that monies issued from the Exchequer to the Bank of England, on account of the Treasurer of the Navy, pursuant to the Act of 25th Geo. 3, c. 31, may be lawfully drawn therefrom by drafts drawn in the name, and on the behalf of the Treasurer, in the form prescribed by the said Act, for the purpose of such monies being ultimately applied to Naval Services, although in the mean time, and until the

same shall be required to be so applied, the money may be deposited in the hands of a private banker, or other private depositary of such monies, in the name and under the immediate sole controul and disposition of some other person or persons than the Treasurer himself.

Answer to the Third Question.

The Judge's answer that it was not unlawful for the Treasurer of the Navy, before the Act of 25th Geo. 3. c. 31, although after the warrant stated in the question, to apply any sum of money imprested to him for Navy Services, to other uses, public or private, without express authority for so doing, so as to constitute a misdemeanor punishable by information or indictment.

COPIES OF REQUISITIONS, &c.

To George Scholey and William Domville, Esquires, Sheriffs of the County of Middlesex:

We, the undersigned Freeholders of the county of Middlesex, request that you will call a meeting of the Freeholders of the county of Middlesex, for the purpose of taking into consideration the gross violations of the law, and the flagrant abuses in the management and expenditure of public money, which have been lately detected by the Commissioners of Naval Inquiry, and towards the investigation, reform, and punishment of which the representatives of the people in parliament have made so virtuous a progress.

(Signed) *Norfolk, E. M. —Bedford — Devonshire—Northumberland—Dundas—A. H. Shove—Thomas Holmes—Joseph Thomson—John Richards—Charles Morrice.*

In consequence of the above requistion, we appoint a meeting of the Freeholders of the county of Middlesex, to be held at the Mermaid, Hackney, on Thursday, the 2d of May next, at twelve.

April 19. *George Scholey*
William Domville

To James Blunt, Esq. Sheriff of the County of Southampton.

We, the undersigned Freeholders of the county of Southampton, request that you will call a meeting of the Free-

holders of the said county, for the purpose of taking into consideration the gross violations of the law, and the flagrant abuses in the management and expenditure of the public money, brought to light by the Commissioners of Naval Inquiry instituted by Parliament, and also for the purpose of expressing our approbation of the conduct of the House of Commons, whose just censure of the abuses already discovered, and whose further investigation into the conduct of those persons who may be implicated in or have connived at these unprincipled practices, demand and deserve our encouragement and support.

(Signed) *Winchester—Chandos—Temple—Carnarvon—Portsmouth.*

Meeting appointed at the Castle of Winchester, Thursday, May 16.

To John Moseley, Esq. High Sheriff of the County of Norfolk.

We, the undersigned Freeholders of the county of Norfolk, request that you will call a meeting of the Freeholders of the county of Norfolk, for the purpose of taking into consideration the gross violations of the law, and the flagrant abuses in the management and expenditure of public money, which has lately been detected by the Commissioners of Naval Inquiry, and towards the investigation, reform, and punishment of which the Representatives of the People of England have already made some progress, and are endeavouring to carry into effect.

(Signed) *Albemarle—Cholmondeley—Walpole—Petre—John Lombe—Richard Paul Joddrell—John Gurdon—E. Rolfe—Robert Plumtree—Henry Styleman—S. Payne Galway—Edward Roger Pratt—M. S. Brathwayt—John Mattens—Robert Lee Doughty—E. Rolfe, Jun.—S. Bevan.*

Meeting appointed at the Swan Inn, Norwich, on the 14th May.

To Sir Watkin Lewes, Knight, High Bailiff of the Borough of Southwark.

We, the undersigned Electors of the borough of Southwark, do request you to convene, at an early and convenient day, a meeting of the Electors of this Borough, to take into consideration the gross system of flagrant abuse in the management of public money, which has been brought to light

by the Commissioners of Naval Inquiry, wherein a late eminent Member of his Majesty's Administration had assumed to himself the dangerous power of dispensing with the enacting clauses of a plain positive law, by which immense sums of the public money have been put to hazard, for the purposes of private gain, in direct contempt of a statute passed expressly to prevent this very crime, practices which have brought discredit upon the King's Government, and called forth the just condemnation of the House of Commons, whose laudable progress towards the efficient correction of these delinquencies, demands the support, the approbation, and encouragement of the whole empire.

(Signed) *Richard Shepley—Edward Marsden—John Ellis—John Swaine—Mark Dixon—Samuel Lee—John Gardner—John Lane—Geo. Guyatt—John Fox—James Slade—J. W. Dawkins—E. Dickenson—Prince, Son, and Johnson—William Little—G. W Wood—Thomas Stokes—M. Shaw—W. W. Hugstone—R. Roberts—Thomas Willet—Abraham Puttley.*

Extracted from the Morning Chronicle, May 4, 1805.

PALACE YARD, MAY 8.

At a Meeting of the Electors it was resolved unanimously:

I. That the votes of the House of Commons on the 8th and 10th of April last, on the motions of Samuel Whitbread, Esq. founded upon the 10th Report of the Commissioners of Naval Inquiry, declaring the Lord Viscount Melville to have committed a gross violation of law, and a high breach of his public duty; have diffused through this astonished and indignant nation, the most heartfelt satisfaction and gratidue.

II. That the intrepid and virtuous discharge of the duties with which the Legislature have invested the Commissioners of Naval Inquiry, has filled every upright mind with the profoundest veneration towards those Commissioners, that the renewal of their power, and the enlargement of their authority, are objects of the utmost interest to this meeting, and that we are persuaded the whole nation participates in this sentiment.

III. That it is not among the slightest testimonials to the House, and fidelity of these Commissioners, that the only persons who have dared to insinuate any thing to their disadvantage, are those alone, who, if not the actual accomplices

in guilt, have recently been the associates in office, and stand forth at this moment as the avowed champions in public, of a delinquent, convicted of clear, conscious, and demonstrable breach of law and trust, upon the most unequivocal of all species of evidence, the confession of the culprit himself.

IV. That any contrivances with a view to screen and protect the said Lord Viscount Melville, would be extremely revolting to the feelings of the country; that it would accumulate disrepute and suspicion upon the general character of the King's Government; be highly disrespectful to the declared opinion of Parliament; and irreverend to the Monarch himself, whose Privy-Council List is still defiled by the name of the said delinquent.

V. That a civil action against Lord Melville and Mr. Trotter, instead of a criminal prosecution, appears to this meeting to be, of itself, incapable of satisfying the public expectation.

VI. That the recovery of money is not an object to be put in comparison with the making a great example, and vindicating the justice of the law upon high delinquents, in the same spirit of equal, impartial, inflexible sternness, with which it would fall upon the poorest and most unprotected criminal.

VII. That an Address be presented to his Majesty, and a Petition to the House of Commons.

Mr. Fox presented the following Petition on the 3d of May.

Your Petitioners share the national gratitude to your Honourable House for your memorable and virtuous votes of the 8th and 10th of April last, founded on the 10th Report of the Commissioners of Naval Inquiry, declaring the Lord Viscount Melville to be guilty of a gross violation of the law, and a high breach of public duty.

Never were parliamentary measures received with more exultation by the country than the said votes, and nothing, your Petitioners are persuaded, could cause more disappointment than your Honourable House stopping short of these great ends of justice which the public interest demands, and the honour you have acquired by the said votes, exacts and enforces at your hands.

The pure, the moderate, the faithful, the independent, and the dignified discharge of the functions with which the law has invested the said Commissioners of Naval Inquiry, has filled the country with the most unqualified admiration of

their conduct. The renewal of their authority is a source of the most unfeigned pleasure to the people at large; and we do most earnestly supplicate your Honourable House, that in the construction of the new statute, your attention will be fixed upon the contumacious obstruction to full inquiry, which is so clearly pointed out in the said 10th Report; and that you will carefully guard against its repetition.

Your Petitioners beg leave to state to your Honourable House, that a civil suit against Lord Melville and Mr. Trotter, unaccompanied by criminal prosecution, would be infinitely short of the public hopes, because it is so of public justice. It is not the refunding of money that, of itself, is of real consequence to the nation; it is the infliction of an exemplary vengeance upon proved and powerful delinquents. It is the manifestation to the whole world that high criminals are not above the reach of punishment; and that the corrupt and wanton violations of law shall feel the strength of its arm.

Above all things we intreat your Honourable House not to permit the public feeling to be sported with, and in the formation of inquiries similar to the Naval Commission, that you will take care that the power constituted be equal to its professed objects, both as relating to the vigour of the authority, and to the integrity of those who are to put it in execution; for we submit to your Honourable House, if any thing can be worse than a deep-rooted, wide-spreading system of abuse and peculation in the management of the public money, it would not be the institution of a system of revision, in its nature a burlesque upon investigation, and in its result a mockery of justice.

To all these points we beg the best attention of your Honourable House. We beseech you to pursue with effect what you began with so much honour. We intreat you not to relax in your efforts till you have brought Lord Melville to condign punishment, and given to all who shall be found to have committed similar crimes, a signal demonstration, that in the Representatives of the People, instead of abettors in their iniquities, they will only find the faithful guardians of the nation, and the zealous vindicators of the laws.

And your Petitioners, &c.

VIII. Thanks to Mr. Whitbread for his ability, manly moderation, and firm decision on the 8th and 10th of April.

IX. Thanks to Lord St. Vincent.

X. Thanks to Mr. Fox

XI. That the said Address and Petition be presented.

At a Meeting of the Electors of Westminster, on Friday, May 3d, the High Bailiff in the Chair.

Mr. Wishart reminded the electors of the manner in which the Commissioners of Naval Inquiry had been appointed: the opposition which their appointment had created in certain quarters, no doubt on very strong grounds: and the nefarious transactions, which in all their reports had been disclosed. It was however the Tenth Report which was at present the particular object of inquiry, and on which the majority of the House of Commons had come to a decision, so honourable to themselves, and so gratifying to their country. A noble Lord, long high in office, had been convicted of gross malversation, not from ignorance, for he was principally concerned in framing those laws which he had violated. He had allowed Trotter, his paymaster, expressly to contravene a law, passed for the better security of the public money, for no less a period than 16 years, and thus during all that time, the public money was put in danger, for the purpose of being applied to private emolument. It was natural to suppose, when such a transaction was brought to light, that the first Minister of the Crown would have come forward to see the matter fully explained and investigated. He, however, followed a different course, and seemed desirous of screening the delinquent. It was not till after a hard struggle, which the Speaker of the House of Commons, with so much honour to himself, decided by his casting vote, that this attempt to screen convicted guilt, was defeated. But it was contended that this vote, and the consequent resignation of Lord Melville, ought to be considered a sufficient punishment. This he utterly denied, and contended it was contrary to all precedents in similar cases recorded in our history. In the case of Chancellor Bacon, convicted of taking bribes, and conniving at the malversations of his servants, the most exemplary punishment was inflicted. That nobleman was fined 40,000 *l.*, was expelled from the House of Lords, and forbid ever to appear again in the presence of his Sovereign. In 1720, the Chancellor of the Exchequer of that day, was found guilty of certain infamous proceedings, connected with the South Sea scheme, and was compelled to resign his official situation. But, was that resignation held to be at all adequate to the enormity of his guilt; on the contrary, he was committed to the tower, and was declared incapable of ever after holding any official situation, and was forced to disgorge his ill gotten wealth. It was neceseary that similar measures should be pursued against Lord Melville, that a great example should be made of him, to deter future offenders and to shew the whole world, that in this country no public delinquent, however exalted his station

of extensive his influence, could hope to escape the strong arm of the law.

Mr. Fox praised Lord St. Vincent, and said he did not overpower the French and Spanish Admirals, till after a stout resistance. The hardest tussle however was with Lord Melville, before victory was obtained. The flag ship had now indeed struck, and it was to be hoped that the other subordinate ships would also soon be compelled to strike. The honourable gentleman, who introduced the business (Mr. Wishart) had very properly said, that unless some further proceedings against Lord Melville were instituted, the whole business would be incomplete. He fully concurred in this idea, and begged to warn the meeting against any hopes of rectifying convicted abuses by future regulations, instead of retrospective punishment. Even if a new law were introduced, what hope was there that it would be more fairly acted upon than in the case of that law, for the violation of which the noble Lord was connected? When that law was brought forward, a pledge was given that it would be implicitly followed, and that pledge had been broken. What security then had the House, that any future pledges would be better observed? The only pledge they had was, the infliction of the exemplary vengeance. It was said, however, that the noble lord was already sufficiently punished. He utterly denied this, for independent of his resignation, he had experienced no punishment for his delinquences. Mere resignation could not be considered as punishment; for in many cases it was glorious, and was at least always innocent. There was another circumstance too to be considered, that though the House of Commons had strongly censured Lord Melville, the Sovereign had not yet been advised to pass on him any mark of displeasure. What was the inference from this backwardness of Ministers, to recommend to his Majesty to remove Lord Melville from all places of trust, held during pleasure, and to banish him from his Councils for ever? He appealed to the meeting, whether it had not very much the appearance of a consciousness of a connexion with Lord Melville, which rendered it very unsafe for them to break with him at this crisis. Their conduct in attempting to screen him, was a stong symptom of some participation in his proceedings. He put it to the feelings of any man who had an intimate friend convicted of nefarious proceedings, whether he would not be anxious to free himself from the suspicion of all knowledge of their existence. Why Ministers had not followed so obvious a course, was best known to themselves.

He called on the meeting not to flag in their exertions, to have all this business sifted to the bottom, for if they were

not true to themselves, how could they expect their representatives to be anxious for the correction of abuses. He trusted their example would be followed through every part of the kingdom, and that the people would insist on the regular attendance of their representatives, when business of so much consequence was going forward in Parliament. This was the more necessary, as out of 658 members, no more than 438 could be collected. He did not now throw any reflection on his noble colleague, who was honourably employed in the service of his country, but many others had no such excuse.

TO THE KING'S MOST EXCELLENT MAJESTY,

The humble Address of the Lord Mayor, Aldermen, and Commons, of the City of London, in Common Council assembled.

May it please your Majesty,

We, your Majesty's most dutiful and loyal subjects the Lord Mayor, Aldermen, and Commons of the City of London, in Common Council assembled, beg leave, with every sentiment of duty and devotion to your Majesty's person and government, to approach your Majesty with our sincere congratulations on the discoveries which have been made by the reports of the commissioners of Naval Inquiry, laid before your Majesty and the other branches of the Legislature, from which your Majesty must have seen with astonishment and indignation, that an eminent member of your Majesty's government, the Lord Viscount Melville, had been guilty of practices which the representatives of the people, in Parliament assembled, have declared to be a gross violation of the law, and a high breach of duty.

We are persuaded that your Majesty's royal mind feels it to be a great aggravation of Lord Melville's palpable, conscious, and deliberate breach of a statute, which he, beyond all others, was bound to observe with strict fidelity, that he had filled so many and such high offices in executive government, and was honoured with so large a portion of your Majesty's confidence.

The virtues which adorn your Majesty, and which excite in the highest degree the love of your people, are a pledge to the nation that, in removing Lord Melville from your Majesty's councils and presence for ever, the punishment of a delinquent, however just, is far less a motive with your Majesty than the example held out. that no Minister, however favoured, shall presume upon your Majesty's counte-

nance, who shall be found to have trampled upon the law, and to have disgraced the functions with which he has been invested.

The investigations of the Commissioners of Naval Inquiry excited the interest, and inspired the country with gratitude towards those Commissions; and we are persuaded that your Majesty participates in the general anxiety which pervades all ranks for the prolongation, and, if necessary, for the enlargement of their authority.

Confiding in your Majesty's paternal solicitude, that whatever is chearfully contributed by a loyal people shall be faithfully administered, we entertain the fullest assurance that, to your Majesty, it will be a source of the profoundest satisfaction, that all necessary measures shall be adopted and persevered in towards the correction and punishment of proved malversation, and that nothing will be omitted which shall have a tendency to promote the public confidence in Government, and to invigorate and confirm the spirit, energy, and union of your Majesty's empire, at this important crisis.

Signed by order of the Court,

WOODTHORPE.

Copy of the Resolutions of the House of Commons on the 8th of April, and of their Order of the 29th.

1. *Resolved*, That it appears to this House, That on the 18th of June 1782, the "House of Commons, in a Committee of the whole House, came, amongst others, to the following Resolutions:

2. "That it is the opinion of this Committee, That some "regulations ought to be adopted for the purpose of lessening "and keeping down the balances of public money, which "appear to have usually been in the hands of the Treasurer "of the Navy; and it would be beneficial to the public, if "the first and other clerks, in the different branches belonging to the said office, were paid by fixed and permanent "salaries, in lieu of all fees, gratuities, and other perquisites whatsoever.

3. "That it is the opinion of this Committee, That from "henceforward the Paymaster of His Majesty's Land Forces "and the Treasurer of the Navy, for the time being, shall "not apply any sum or sums of money, imprested to them, "or either of them, to any purpose of advantage or interest "to themselves, either directly or indirectly.

4. "That it appears to this Committee, That the Commissioners appointed to examine, take, and state the public

" accounts of the kingdom, have, so far as appears from the " reports which they have hitherto made, discharged the duty " entrusted to them with great diligence, accuracy, and ability; " and if Parliament shall carry into execution those plans of " reform and regulation, which are suggested by the matter " contained in the reports of the said Commissioners, it " cannot but be attended with the most beneficial consequen- " ces to the future welfare and prosperity of this kingdom."

5. *Resolved*, That in furtherance of the intention of the House of Commons, expressed in such resolutions, His Majesty, by his warrant, dated 26th June 1782, directed that the salary of the Treasurer of the Navy should be increased to 4000*l.* per annum, in full satisfaction of all wages and fees, and other profits and emoluments, theretofore enjoyed by former Treasurers.

6. *Resolved*, That it appears to this House, That, during the Treasurership of the Right Honourable Isaac Barré, the conditions of the aforesaid warrant were strictly complied with; that the whole of the money issued from the Exchequer to Mr. Barré, for naval services, was lodged in the Bank; that it was never drawn from thence previously to its being advanced to the Sub accountants, to be applied to the public service: that during the time Mr. Barré acted as Treasurer and Ex-treasurer, he had not in his possession or custody any of the public money, and that neither he, nor the Paymaster of the Navy, did derive any profit or advantage from the use or employment thereof.

7. *Resolved*, That the Right Honourable Henry Dundas, now Lord Viscount Melville, succeeded to the office of Treasurer of the Navy on the 19th August 1782, when a further addition was made to the salary of the said office, in order to produce a net annual income of 4,000*l.* after the payment of all taxes and charges on the same; and that this additional salary was considered by the said Lord Viscount Melville as granted to him in lieu of all wages, fees, profits, and other emoluments, enjoyed by former Treasurers.

8. *Resolved*, That the said Lord Viscount Melville continued in the said office till the 10th of April 1783; that, being asked whether he derived any advantage from the use of the public money during that period, he, in his examination before the Commissioners of Naval Enquiry, declined answering any question on that head; but that he has, in a letter since written to the said Commissioners, and dated the 28th March last, declared, " that previous to 1786, he did not derive any " advantage from the use or employment of any money issued " for carrying on the service of the Navy;" but Mr. Douglas, who was Paymaster, being dead, and his Lordship having refused to answer any questions on this head, as aforesaid, no

evidence has been obtained as to the application of monies issued for the service of the Navy, or the mode of drawing the same from the Bank, during that period.

9. *Resolved*, That the Right Honourable Charles Townshend, now Lord Bayning, held the office of Treasurer of the Navy from the 11th of April 1783 to the 4th of January 1784; and that, from the examination of his Lordship, it appears, that, during his Treasurership, no part of the money issued for the service of the Navy was applied to his private use or advantage, and that he does not believe that Mr. Douglas, who acted under him as Paymaster, derived any profit or advantage from the use or employment of the public money, except the money issued for the payment of Exchequer fees.

10. *Resolved*, That the Right Honourable Henry Dundas was re-appointed Treasurer of the Navy on the 5th of January 1784, and continued in the said office until the 1st of June 1800.

11. *Resolved*, That, in the year 1785, an Act of Parliament was passed (25 Geo. III. c. 31.) intituled, "An Act for "better regulating the Office of Treasurer of His Majesty's "Navy," whereby it is directed, that no money shall be issued from the Treasury to the Treasurer of the Navy, but that all monies issued for Naval services, shall be paid to the Bank on account of naval services, and placed to the account of the Treasurer of the Navy, and shall not be paid out of the Bank unless for naval services, and in pursuance of drafts signed by the Treasurer, or some person or persons authorized by him, which drafts shall specify the heads of service to which such sums are to be applied; and that the regulations under the said Act shall take place from the 31st of July 1785.

12. *Resolved*, That the execution of the said Act was postponed till the month of January 1786; and that from that time till the month of June 1800, when Lord Melville left the office of Treasurer, contrary to the practice established in the Treasurership of the Right Honourable Isaac Barré, contrary to the Resolutions of the House of Commons of the 18th of June 1782, and in defiance of the provisions of the above-mentioned Act of 25 Geo. III. c. 31, large sums of money were under pretence of navy services, and by a manifest evasion of the Act, at various times drawn from the Bank and invested in exchequer and navy bills, lent upon the security of stock, employed in discounting private bills, in purchasing Bank and East India Stock, and used in various ways for the purpose of private emolument.

13. *Resolved*, That Alexander Trotter, Esquire, the Paymaster of the Navy, was the person by whom, or in whose name, the public money was *thus* employed; and that in so

doing he acted with the knowledge and consent of Lord Viscount Melville, to whom he was at the same time private agent, and for whose use or benefit he occasionally laid out from ten to twenty thousand pounds, without considering whether he was previously in advance to his Lordship, or whether such advances were made from his public or private balances.

14. *Resolved*, That the Right Honourable Lord Viscount Melville, having been privy to, and having connived at, the withdrawing from the Bank of England, for the purpose, as stated by Lord Melville, of private emolument to Mr. Trotter, sums issued to Lord Melville as Treasurer of the Navy, and placed to his account in the Bank, according to the provisions of the 25th Geo. 3, c. 31, has been guilty of a gross violation of the law, and a high breach of duty.

APRIL 29.

Ordered, That the Attorney-General be directed to take such measures as may appear to him to be most effectual, in due course of law, for ascertaining and recovering any sums of money that may be due to the Public from Lord Viscount Melville or Alexander Trotter, Esquire, in respect of any profits derived by them from monies issued for naval purposes, and that may have come into their hands, subsequent to the 1st day of January, 1786.

Printed by J. Gold, Shoe Lane.

THE
EUROPEAN MAGAZINE
IS FOUND TO BE
A moſt ACCEPTABLE PRESENT *to* FRIENDS ABROAD *.

This Day is publiſhed,
By JAMES ASPERNE, at the BIBLE, CROWN, and CONSTITUTION, CORNHILL,
Price 10s. 6d. Half-Bound,
THE EUROPEAN MAGAZINE,
VOL. XLVII.

This uſeful and intereſting Work (which is publiſhed on the firſt Day of every Month, Price One Shilling and Sixpence) contains Portraits and Views; together with the Biography, Anecdotes, Literature, Hiſtory, State Papers, Politics, Arts, Manners, and Amuſements of the Age.

A few complete Sets from its Commencement in 1782 *may be had ready bound, or prepared for binding, of JAMES ASPERNE, No.* 32, *Cornhill, or any ſingle Number or Volume that is in print.*

* *Perſons who reſide abroad, and who wiſh to be ſupplied with this Work every Month, as publiſhed, may have it ſent to them, FREE OF POSTAGE, to NEW YORK, HALIFAX, QUEBEC, and every Part of the WEST INDIES, at Two Guineas per Annum, by Mr.* THORNHILL, *of the General Poſt Office, at No.* 21, *Sherborne Lane; to HAMBURG, LISBON, GIBRALTAR, or any Part of the MEDITERRANEAN, at Two Guineas per Annum, by Mr.* BISHOP, *of the General Poſt Office, at No.* 22, *Sherborne Lane; to any Part of IRELAND, at One Guinea and a Half per Annum, by Mr.* SMITH, *of the General Poſt Office, at No.* 3, *Sherborne Lane; and to the CAPE OF GOOD HOPE, or any Part of the EAST INDIES, at Thirty Shillings per Annum, by Mr.* GUY, *at the Eaſt India Houſe.*

A LIST of the PLATES of the Firſt FORTY-SEVEN VOLUMES of THE EUROPEAN MAGAZINE.

PORTRAITS.

		Vol.
A.		
Abercrombie, General	June 1801	39
Abingdon, Mrs.	Mar. 1798	33
Aboo Taleb Kawn	Sept. 1801	40
Adams, John	Aug. 83	4
Andrews, Miles Petit	Sept. 96	30
Ankerſtrom, J.	Sept. 92	22
Arnold, General	Jan. 83	3
Aſtle, Thomas	Oct. 1802	42
Aubert, Alex.	Nov. 98	34
B.		
Bacon, John	Aug. 90	18
Banks, Statuary	Sept. 91	20
Banniſter, the Player	July 95	28
Barbauld, Mrs.	Mar. 86	9
Baretti, Joſeph	Aug. 89	16
Barrington, Biſhop	Sept. 90	18
———, Daines	April 1800	37
———, Viſcount	Nov. 1800	38
Banks, Sir Joſeph	Sept. 1802	42
Banniſter, Charles	Nov. 1804	46
Beattie, Dr.	Jan. 1801	39
Beckford, William	Sept. 97	32
Belchier, John	April 87	7
Berkenhout, Dr.	Sept. 88	14
Berry, Captain	Feb. 99	35
Betty, W. H. W.	April 1805	47
Black, Dr.	Aug. 92	22
Blair, Dr. Hugh	April 98	33
Blanchard, Mr.	June 85	7
Bloomfield, Robert	Nov. 1801	40
Boſwell, James	May 91	19
Bower, Archibald	Jan. 94	25
Boyd, Hugh	May 1800	37
Boydell, Alderman	April 92	21
Brereton, Comedian	June 96	29
Brocklesby, Dr.	May 98	33
Bruce, James	May 90	17
Buchan, Dr. William	Mar. 1805	47
Buller, Judge	July 1800	38
Burney, Dr.	Mar. 87	7

Printed by I. GOLD, Shoe Lane.

C.		Vol.	
Cabell, William	Sept.	1800	38
Calonne, Monfieur	April	89	15
Camden, Lord	May	88	13
Carliſle, Earl of	Nov.	85	8
Cavallo, Tiberius	Oct.	87	12
Cawn, Hyder Ali	June	93	23
Chambers, Sir William	Feb.	96	29
Charlemont, Lord	Feb.	84	5
Chartres, Duke de	June	83	3
Cheſelden, William	Aug.	1804	46
Cibber, Mrs.	Oct.	94	26
Cobb, James	Mar.	1797	31
Colman, Mr.	Aug.	87	8
Conway, General	Mar.	82	1
Conyngham, W. B.	Mar.	94	25
Cook and King, Captains	Jan.	85	7
Cornwallis, Lord	Aug.	86	10
Cowley, Mrs.	June	89	15
Coxe, Rev. William	Jan.	87	11
Creſpigny, Mrs.	Dec.	1804	46
Crofts, Herbert	April	94	25
Cruikſhank, W.	Sept.	87	12
Cullen, Dr. William	Oct.	1803	44
Curtis, Alderman	Mar.	99	35
Curtis, Sir Roger	Dec.	82	2
D.			
Dalrymple, Alexander	Nov.	1802	42
Darwin, Dr.	Feb.	95	27
Day, Thomas	Dec.	94	26
Deane, Silas	July	83	4
De la Lande, Mr.	Feb.	90	17
Dempſter, Geo.	Sept.	94	24
D'Eon, Chevalier	Mar.	91	19
Devonſhire, Ducheſs of	April	87	11
Dignum, Mr.	Dec.	98	34
Dimſdale, Baron	Aug.	1802	42
Downing, George	Feb.	1801	39
Duncan, Lord	Jan.	98	33
Dundas, Mr.	July	85	8
E.			
Eden, Lord	May	86	9
Egerton, Biſhop	May	95	27
Elliott, General	Sept.	82	2
Ellis, Deputy	Jan.	92	21
Eyre, Lord Chief Juſtice	Jan.	1800	37
F.			
Faulknor, Captain	Aug.	95	28
Fector, William	May	89	15
Fitzgerald, Will. Thos.	Mar.	1804	45
Fitzherbert, Mrs.	April	86	9
Florida Blanca, Count	Dec.	90	18
Franklin, Dr.	Mar.	83	3
G.			
Gardner, Admiral	Nov.	94	26
Gibbon, Edward	Mar.	88	13
Gillam, Samuel	Aug.	93	24
Glover, Richard	Jan.	86	9
Gordon, Ducheſs of	July	91	20
Graſſe, Comte de	Aug.	1782	2
Grattan, Henry	July	82	2
Graves, Lord	Sept.	95	28
Greathead, Henry	July	1804	46
Grey, Sir Charles	Oct.	97	32
Griffiths, Ralph	Jan.	1804	45
Groſe, Francis	July	97	32
H.			
Hamilton, Sir William	April	84	5
——, Lady	June	1803	43
Hancock, John	Sept.	83	4
Handel, Mr.	Mar.	84	5
Hanway, Jonas	Sept.	86	10
Harrington, Earl of	Oct.	1804	46
Harris, General	Feb.	1800	37
Harris, James	Feb.	1802	41
Harriſon, John	Oct.	89	16
Haſtings, Warren	Nov.	82	2
——, War. (Buſt of)	Dec.	1802	42
Hawes, Dr. William	June	1802	42
Haydn, Mr.	Oct.	84	6
Hayley, Mr.	June	86	9
Hearne, Samuel	June	97	32
Henderſon, Mr.	Dec.	85	8
——, John	July	92	22
Herſchel, Mr.	Jan.	85	7
Hoare, Prince	Feb.	98	33
Holcroft, Thomas	Dec.	92	22
Hollis, Thomas, and Thomas Fry	Dec.	88	14
Holman, Mr.	Nov.	84	6
Home, John	June	1804	45
Hood, Lord	June	82	1
——, Lord	Jan.	99	35
Hoole, John	Mar.	92	21
Houbracken, James	Dec.	1803	44
Howard, John	Nov.	86	10
Howe, Lord	Oct.	82	2
——, Lord	April	95	27
Hunter, Dr. William	April	83	3
——, Dr. John	Nov.	93	24
J.			
Jefferſon, Thomas	May	1802	41
Jenkinſon, Mr.	May	85	7
Jenner, Dr. Edward	Sept.	1804	46
Jerningham, Edward	June	94	25
Inchbald, Mrs.	Jan.	88	13
Johnſon, Dr.	Dec.	84	6
Jones, Sir William	July	87	12
Irwin, Eyles	Mar.	89	15
K.			
Kames, Lord	Nov.	90	18
O'Keefe, John	July	88	14
Kemble, John	Aug.	98	34
Kent, Duke of	April	1801	39
King of France	Nov.	89	16
King, Thomas, Comedian	Oct.	91	20
L.			
Lavater, John Caſpar	Jan.	89	15
Leger, Col. St.	June	95	27
Leland, Dr.	Aug.	99	36
Lettſom, Dr.	Dec.	86	10
Lever, Sir Aſhton	Aug.	84	6
Leveridge, Richard	Oct.	94	24

			Vol.
Levi, David	May	99	35
Lewis, Comedian	April	91	19
Loughborough, Lord	Sept.	98	34
Lowth, Biſhop	Nov.	87	12
Lumiſden, Andrew	July	98	34
Luttrell, Captain	Jan.	83	3
M.			
Macartney, Lord	July	1796	30
Macklin, Charles	Dec.	91	20
Madden, Dr. Samuel	April	1802	41
Malmeſbury, Lord	Aug.	97	32
Mansfield, Earl of	Mar.	93	23
Martin, Profeſſor	Dec.	96	30
Maſkelyne, Dr.	June	1805	47
Maſon, William	Dec.	83	4
Maty, Dr.	Aug.	1800	38
Mauduit, Iſrael	June	87	11
Maurice, Rev. Thomas	Dec.	1800	38
Mawbey, Sir Joſeph	Mar.	87	11
Melcombe, Lord	June	84	5
Mendez, Moſes	Oct.	92	22
Merry, Robert	Dec.	94	24
Mickle, William Julius	Sept.	89	16
Monboddo, Lord	Mar.	90	17
Monſey, Dr.	Feb.	89	15
Montague, E. W.	July	93	24
Montagu, Mrs.	Oct.	1800	38
Moody, Mr.	Oct.	90	18
Moore, Dr. John	Jan.	90	17
——, Samuel	Nov.	99	36
Mortimer, Thomas	April	99	35
Moſer, Joſeph	Aug.	1803	44
Moſnier, Monſ.	Feb.	93	23
Munden, Comedian	Oct.	96	30
N.			
Nares, Dr.	April	96	29
Necker, Monſieur	Oct.	88	14
Nelſon, Viſcount	May	1801	39
Newland, Abraham	Jan.	1803	43
Nollikens, Joſeph	June	88	13
Northcote, James	Feb.	96	29
Nugent, Earl	July	84	6
O.			
Octavius, Prince	May	83	3
Oldys, the Poet	Nov.	96	30
Opie, John	Oct.	98	34
——, Mrs.	May	1803	43
Orme, Robert	Mar.	1801	39
Owen, Dr.	Nov.	95	28
P.			
Paley, William	Feb.	1805	47
Palliſer, Sir Hugh	Mar.	96	29
Palmer, Robert	Dec.	1801	40
Park, Mungo	June	99	35
Parr, Old	April	93	23
Parſons, Comedian,	Mar.	95	27
Pearſon, Major Thos.	Apr.	1804	45
Pennant, Thomas	May	93	23
Penn, William	April	90	17
Pindar, Peter	Aug.	87	12
Piozzi, Mrs.	July	86	10
Pitt, William	Jan.	83	5
Pole, Sir Chas. Morice	May	1805	47
Polwhele, Rev. R.	Nov.	95	28
Pope, Mrs.	May	97	31
Porteus, Biſhop	Oct.	95	28
Portland, Duke of	April	82	1
Prieſtley, Joſeph	Aug.	91	20
Pye, Henry James	Jan.	96	29
Q.			
Queen of France	Nov.	89	16
Quin, James	May	92	21
R.			
Raikes, Robert	Nov.	88	14
Rawdon, Lord	June	1791	19
Reeves, John	June	98	33
Reid, Dr. Thomas	May	1804	45
Rennell, James	July	1802	42
Reynolds, Frederick	Jan.	1805	47
——, Sir Joſhua	Nov.	83	4
Robertſon, Dr. William	Jan.	1802	41
Robinſon, Mrs.	Jan.	93	23
Romney, George	April	1803	43
Rumbold, Sir T.	May	82	1
Rumford, Count	Feb.	97	31
Ruſſell, Francis, Eſq.	May	96	29
Rutland, Ducheſs of	Dec.	89	16
S.			
Sackville, Lord	Sept.	85	8
Sandby, Paul	Aug.	96	30
Sandwich, Earl of	May	87	11
Saumarez, Sir James	Oct.	1801	40
Schomberg, Dr. Iſaac	Mar.	1803	43
Seward, William	Oct.	99	36
Shaw, Dr.	Feb.	91	19
Shebbeare, Dr.	Aug.	88	14
Sheffield, Lord	Dec.	83	4
Sheridan, R. S.	Feb.	82	1
Shipley, Biſhop	April	88	12
Sinclair, Sir John	Jan.	91	19
Smeaton, John	Nov.	92	22
Smith, Adam	Mar.	1802	41
Smith, Sir Sydney	July	94	26
Snodgraſs, Gabriel	July	99	36
Sonnini, C. S.	April	1800	37
Stafford, Marquis of	Feb.	88	13
Stanley, Mr.	Sept.	84	6
Stuart, Dr.	Oct.	86	10
Suworow, General	Aug.	99	36
Swedenburg, Emanuel	April	87	11
Sweden, King of	Aug.	90	18
Swinburne, Mr.	Oct.	85	8
T.			
Thornton, Dr.	July	1803	44
Thurlow, Lord	July	89	16
Tippoo Sultaun	June	1800	37
Tooke, Horne	Feb.	92	21
Towers, Dr.	Nov.	97	32
Towry, Capt.	Jan.	97	31
Trollope, Sir Henry	Dec.	1802	42
Tucker, Dean	Dec.	99	36

V.			Vol.
Vergennes, Le Comte de	Mar.	86	9
Vincent, Dr.	July	1801	40
Vincent, Earl of	Aug.	1801	40
Voltaire	May	94	25
W.			
Wales, Prince of, (Front.)			1
Walker, Adam	June	92	21
——, Ralph	Nov.	1803	44
Walpole, Horace	April	97	31
Ware, James	Feb.	1804	45
Warrén, Sir J. B.	Aug.	94	26
Warton, Dr.	July	90	18
Warton, Joseph	Mar.	1800	37
Washington, General	Mar.	1800	37
Watson, Colonel	Dec.	87	12
Wesley, John	Mar.	91	19
West, Benjamin	Sept.	94	26
White, Dr. Jos.	Dec.	97	32
Wilson, the Painter	June	90	17
Woffington, Mrs.	Jan.	95	27
Y.			
York, Duchess of	Nov.	91	20
Yorke, Philip, Earl of Hardwicke	Feb.	1803	43
——, Charles	Sept.	1803	44
Young, Arthur	Dec.	95	28
——, Ed.	Feb.	87	11

VIEWS, &c.

A.			
Ancient Arch. Plate V.	Jan.	90	17
Ditto in Leadenhall-street	Jan.	91	19
Ditto Temple Gate	Oct.	86	10
Ditto White Hart Tav.	Mar.	87	11
Ditto Salmon Wax Work	Feb.	88	13
Ditto Cloth Fair	Feb.	1800	37
Abbey of St. Denis	Feb.	93	23
Adscomb	June	89	15
Agriculture	July	89	16
Air, Apparatus for	Sept.	86	10
Air-Balloon last Century	Feb.	89	15
Akerman's House	July	87	12
Albion Mill	May	87	11
Aldobran Palace	April	94	25
America, Map of	Nov.	83	4
Amicable Society's House	July	1801	40
Aneey	Sept.	96	30
Angelo Castle, at Rome	April	94	25
Antwerp, City of	Jan.	98	33
Apollo	July	83	4
Argonautico Argo	Mar.	85	7
Armour, Ancient	Feb.	90	17
Arno's Groye	April	1804	45
Arundel Castle	Sept.	99	36
Ditto	Nov.	1803	44
Ashburton Church	Oct.	92	22
Autumn	July	86	10
B.			
Balloon	Oct.	83	4
——, Lunardi's	Sept.	84	6
——, Descent of	Nov.	83	4
Ball Room	Jan.	82	1
Bangalore	May	92	22
Bangalore, Plan of	June	92	22
Bank, Front View of	Oct.	85	8
——, N. View of	April	97	31
——, Rotunda of the	Oct.	96	30
—— New Buildings	Dec.	1803	44
Banks's Horse	Dec.	85	8
Barn-Door Rock	June	99	35
Barn, Great, at Ely	Nov.	98	34
Bartholomew	Aug.	89	16
Baths at Brighton	April	1803	43
Bath-Abbey Church	Jan.	97	31
Battersea Rise	Mar.	1804	45
Beaumont House	July	1802	42
Beech Hill, Enfield	June	96	29
Benares	Oct.	88	14
Birds, in the Orkneys,	May	85	7
Bird's Nest, &c.	Aug.	85	8
Birmingham Theatre	June	88	13
Bisham Abbey	April	87	11
Bleach-works	Feb.	89	15
Bonner's, Bishop, House	July	93	24
Bow and Arrow Castle	Feb.	1805	47
Braynstone, Dorset	Feb.	1785	7
Bridge, African	Dec.	99	36
——, Iron, over Wear	Nov.	96	30
British Channel, Map of	May	83	3
Broad-Stairs	Sept.	89	16
Brunswick, Death of the Duke of	Mar.	86	9
Burges, Capt. Monument	July	1803	44
Burgos, Cathedral of	July	97	32
Burke's Seat	July	89	16
Burlington House	Nov.	1804	46
C.			
Cadiz	Dec.	82	2
Cambridge Owen's Seat	Sept.	87	12
Camberwell Church	June	1805	47
Canonbury House	April	1802	42
Canterbury Hospital	June	93	23
Cape of Good Hope	June	1800	37
Capel House	Feb.	1804	45
Carisbrooke Castle	Sept.	97	32
Carleton-House	Nov.	88	14
Carlisle	Dec.	89	16
Castle Howard	Nov.	1803	44
Chartreuse, Grand	Sept.	91	20
——————, Entr.	April	91	19
Chatham's Monument	April	84	5
Chelmsford Church	Feb.	1800	37
Cheltenham Wells	Sept.	86	10
Cherbourg Cone	Feb.	94	25
—————— Road	April	1800	37
—————— Sinking Cones	May	94	25
Chesthunt Church	Feb.	1801	39
—————— House, Herts	Nov.	1801	40
Chichester Cross	Sept.	92	22

Choultry

			Vol.
Choultry of Mariavan	Oct.	89	16
Clayberry Hall	Oct.	1800	38
Clerkenwell New Prison	Aug.	98	34
——— Church	July	99	36
Coade's Gallery	Jan.	1802	41
Cobweb, remarkable one	Jan.	'93	23
Collins's Monument	July	96	30
Compters in Giltspur-st.	Dec.	88	14
Coote's Monument	July	90	18
Crowland Bridge	Aug.	95	28
Cottage at Langolin	Mar.	94	25
Cruel Disappointment	Oct.	83	4
Culland's Grove	May	1801	39
Cumberland's House	Aug.	86	10
Cutterea	Jan.	90	17
D.			
Dacre, Lord, Seat of	Dec.	95	28
Dagenham Breach	June	90	17
Death of Love	Feb.	84	5
D'Eon's House	Mar.	91	19
Derby Church, All Saints	June	94	25
De Vincy, Leonhard,	Aug.	82	2
Devonshire Place	Dec.	1801	40
Dibden Church	Jan.	89	15
Dieppe	Sept.	1803	44
Dover Church	June	98	33
Drury Lane Theatre	Nov.	93	24
Drogheda	May	98	33
Dublin, Map of	June	83	3
———, Parliament House	Mar.	92	22
Dulwich College	Aug.	91	20
Dunster Castle	Feb.	98	33
E.			
East Bourne	Sept.	93	24
East India House	Mar.	1803	43
Edystone Lighthouse	Feb.	91	19
Egham Church	April	1799	35
Elgin Cathedral	May	91	20
Eltham Palace	Feb.	92	22
Enborne Church	Aug.	1804	46
Erpingham's Gate	July	91	29
F.			
Fac simile Edward VI.	May	87	11
——— Henry VI.	Mar.	88	13
——— Henry VIII.	Nov.	87	12
——— Howard	April	90	17
——— Popham	Dec.	87	12
——— temp. Hen. VI.	June	90	17
——— Walsingham	Dec.	87	12
Fairlop Oak	June	1802	41
Fame	Jan.	85	7
Fielding's Monument	June	93	23
Finsbury Square	Feb.	1802	41
Fishpond Houses	Oct.	93	24
Flotilla in the Hope	June	1804	45
Flying Fish	Sept.	85	8
Font in Merionethshire	Jan.	93	23
Fort St. George	Dec.	83	4
Fox and Hounds	April	83	3
Freemasons Char. School	Aug.	1801	40
Friday-hill House	Oct.	98	34
G.			
Gallion, Chapel at	Dec.	93	24
———, Seat of Ap Rouen	Dec.	92	22
Gayton Church	Dec.	1800	38
Gazipour	Nov.	86	10
Genius unveiling Nature	July	82	2
Gibraltar	Aug.	82	2
Greathead's Life-boat	May	1803	43
Green Arbour Court	Jan.	1803	43
Greenwich Park	May	1802	41
Grotto at Oatlands	May	99	25
Guy's Hospital	Oct.	1803	44
Gwalier Fort	Jan.	88	13
H.			
Hackney Church	Jan.	91	19
———, Old Houses at	Aug.	97	32
Hamburgh	Oct.	99	36
Hampstead Church	Nov.	83	8
Hardwick House	Dec.	98	34
Harrow Free School	Oct.	1802	42
Hatchett's House	Jan.	83	3
Hayman's House	Dec.	89	16
Helena, St.	Nov.	94	26
Helen's, St. a House in	Jan.	96	29
———, Laurance's House	Jan.	96	29
Henry the VIIth's Chapel	July	94	26
Hereford Cathedral	July	92	22
Higham Hill	Aug.	1800	38
Highbury House	Aug.	99	36
Highgate Chapel	Sept.	1800	38
———, Gen. View of	Dec.	85	8
Hindu Temple	Dec.	1802	42
History, Poetry, &c.	Jan.	82	1
Hogarth's House	June	1801	39
Holland House	May	1804	45
Holland's Cloof	Feb.	96	29
Holme	June	86	9
Holwood House	Mar.	1800	37
Holy Trinity, Duke's Place	Sept.	1802	42
Honour eclipsed by Love	Aug.	83	3
I.			
Ilminster Church	Nov.	82	2
Johnson's, Dr. Urn, Wales	Mar.	94	25
——— Monument	Mar.	96	29
Ireland, Map of	April	82	1
Julia's Tomb	Feb.	1785	7
Justice of Frederick	July	82	2
K.			
Kew Bridge	April	90	18
Kingsgate	Aug.	87	12
Kingston, Dorsetshire	Oct.	85	6
Kirkstall Abbey	Jan.	89	15
Knight's-hill Farm	July	86	10
L.			
Langhans, Tomb of	Feb.	82	1
Lanrwyst-Bridge	Sept.	90	18
Leadenhall-street, a Dirty Shop in	Jan.	1801	39
Ditto, Guy Faux's House in	Jan.	90	17
Ditto, Old Houses in	Jan.	91	19

			Vol.
Lettſom's, Dr. Houſe	May	88	13
——— Fountain at Camberwell	June	1803	43
Liberty	July	85	8
Lidford Bridge	May	85	7
——— Waterfall	April	85	7
Lincoln's Inn Hall and Chapel	May	1805	47
Litchfield Willow	Sept.	1804	46
London	Dec.	82	2
—— from Wandſworth	June	87	11
Londonderry	Jan.	1800	37
London's, Biſh. of, Palace	Aug.	88	14
Long-lane, Old Houſe in	Dec.	96	30
Longworth	May	90	17
Loſt Daughter recovered	June	82	2
Ludlow Caſtle	April	86	9
Luke's Hoſpital, St.	Dec.	85	6
Lulworth Caſtle	Mar.	1805	47
Luxembourg Palace	Nov.	97	32
Lyons, Cathedral at	Oct.	94	26

M.

Machine for Log	Dec.	1791	20
Mackworth Caſtle	Sept.	94	26
———'s Houſe	Jan.	92	21
Malo's, St.	Jan.	94	25
Man and Woman of Prince William's Sound	July	84	6
——— Oonalaſhka	Aug.	84	6
Man of War, Skeleton of	Oct.	91	20
Mansfield's Houſe	Jan.	86	9
Marcou	Sept.	98	34
Marlborough Market	May	93	23
Marmora Hardicnutianum	Mar.	90	17
Martin's Houſe	Feb.	90	17
———, Plate II.	Aug.	90	18
Marybone School	July	90	18
Mary Queen of Scots, Death of	May	82	1
Maſque-Hall	Oct.	91	20
Mauſoleum K. of Portugal	July	93	24
Medals, Plate I.	Aug.	85	8
Medard, St.	Dec.	91	20
Metamorphoſis	Sept.	83	4
Milford Haven	Aug.	94	26
Milton Abbey	Oct.	84	6
Miſcellany. Chapel of Caſtle Martin—Medal of Robinſon	Nov.	94	26
Monghier	Oct.	1790	18
Moſque at Rajehamel	Feb.	87	11
——— at Gazipoor	Feb.	88	13
——— at Mounheer	April	88	13
——— at China Gur	July	88	14
Mount Ætna	Feb.	83	3
Muſic, Frontiſpiece	July	84	6
Muſjid at Jonpoor	Dec.	87	12
Mythology, Plate I.	Feb.	85	7
———, Plate II.	Mar.	85	7
———, Plate III.	April	85	7

N.

Nandadroog	July	92	22
Naples and Sicily, Map of	April	83	3
Natural Daughter	Jan.	84	5
Nevis, Map of	Mar.	82	1
Newington Church, Surry	Oct.	1801	40
New Pigmalion	May	83	3
Norwich Gate	July	91	20

O.

Opera Houſe, Plan of	Mar.	83	3
Otter's Pool	Dec.	97	32
Oude	Oct.	86	10
Outradroog	July	92	22

P.

Paddington Church	Sept.	95	28
Palace of Surajah Dowla	Nov.	90	18
Palais Royal, Paris	April	88	13
Palanquin, Tippoo's	Aug.	96	30
Pancras Church	Nov.	1800	38
Pantheon	May	84	5
Paraclete, near Troyes	Feb.	95	27
Parma's, Duke of, Palace	Oct.	95	28
Parrot, Blue-bellied	June	85	7
Paſton, original Letters of	Mar.	87	11
Patterdale	Oct.	90	18
Peace crowned by Victory	Jan.	83	3
Pelew Cauſeway	Sept.	88	14
Pentilly Caſtle	Sept.	85	8
Peterborough Cathedral	Jan.	94	25
Peter le Poor, Church of	Jan.	99	35
Peterſburgh	Dec.	85	6
Plan of Parliament	Mar.	88	13
Port Royal Harbour	Sept.	82	2
Pump in Cornhill	May	1800	37

Q.

Quin's Monument	Jan.	92	21

R.

Ragland Caſtle	Aug.	1803	44
Rheims Cathedral	Jan.	93	23
———, Holy Vial at	April	93	23
Richlieu's Monument	Oct.	93	24
River-God	Feb.	87	11
Rock, Inſulated	Aug.	93	24
Roſemary Hall	Oct.	97	32
Rouen Market place	Oct.	94	26
Rouſſeau addreſſing his Wife	Feb.	86	9
Rupert's, Prince, Palace	Nov.	91	20
Rycot Houſe	Nov.	99	36
Rye Houſe	Jan.	1805	47

S.

Salmon's Wax Work	Feb.	88	13
Savoy, Ruins of	April	98	33
Savendroog	April	92	22
Senſibility, Effects of	Mar.	82	1
Seringapatam	June	92	22
Sewell's Villa at Batterſea	Feb.	1803	43
Shakſpeare Gallery, Pall Mall	July	1804	46
——— Medal	Dec.	1804	46
Shelford Church	Feb.	99	35
Skiddaw	April	89	15
Smith's Villa at Dover	Mar.	1801	39

			Vol.
Somerset House	Mar.	84	5
———, Inner Court of	July	85	8
———, Statue of H. M. in	July	1800	38
Southampton Church	April	95	27
Spanish Ambass. House	Dec.	96	30
Spring	Jan.	86	9
Staines Church	Mar.	99	35
Stanstead	May	89	15
St. Christopher's, Map of	Mar.	82	1
Stoke-Pogis Church	May	88	13
Strasburgh Cathedral	Jan.	95	27
Summer	July	87	12
Swansea Castle	July	95	28
Swift-sailing Vessel	Oct.	90	18
T.			
Temple Gate	Dec.	86	10
Temple of Fame	Jan.	88	13
——— at Paris	Feb.	93	23
Templars, Hackney	April	1805	47
Thames, Source of the	May	96	29
Time	Jan.	84	5
Time presenting Europe	July	88	14
Tottenham High Cross	Jan.	1804	45
La Trappe, Temple of	May	95	27
Tray and Cæsar	May	83	3
Treef Castle	Feb.	1803	43
Trichinopoly	May	90	17
Trinity House	June	95	27
Tournament at Senlis	Nov.	92	22
Turkey, Map of	July	83	4
V.			
Valambrosia	July	91	20
Vaucluse, Fountain of	Mar.	1801	39
Undertakers Regaling	Sept.	1801	40
Voltaire's Château	May	86	9
W.			
Waltham Abbey	Oct.	1804	46
——— Cross	Mar.	1802	41
Wandsworth Height	Oct.	87	12
Wanlip Hall	Aug.	1802	42
Westminster Abbey, Inside View of	July	94	26
Ditto, N. Entrance of	July	98	34
Ditto, Orchestra in	May	84	5
Ditto, His Maj. Box in	June	84	5
West India Docks, Plan of	Sept.	1802	42
White Hart Tav. Bp-st.	Mar.	87	11
Wilkes's Cottage	Mar.	98	33
Winstay Tickets, Plate I.	Jan.	86	9
———, Plate II.	May	86	9
———, Plate III.	Nov.	87	12
Winter—Frontispiece	Jan.	87	11
Woburn Farm	Mar.	95	27
Woodmanston Church	Aug.	92	22
Wolverhampton Church	Nov.	87	16
Y.			
York's, D. of, late, House	Mar.	89	15

WRITERS or CADETS

Going to the EAST INDIES, will do well to give an attentive Perusal to the Orders of the GOVERNOR-GENERAL and COUNCIL at BENGAL; which, with a List of Books on Oriental Literature and Military Science, may be had gratis of

JAMES ASPERNE,

BOOKSELLER,

(Successor to Mr. SEWELL,)

At the BIBLE, CROWN, AND CONSTITUTION,

No. 32, CORNHILL.

A Select List of ORIENTAL BOOKS *that will be found useful to Writers, Cadets, and Gentlemen going to the East Indies, sold by JAMES ASPERNE.*

GLADWIN's Persian Moonshee; containing the Grammatical Rules, the Pund Nameh of Sadi, Forms of Address, Select Tales and Pleasing Stories, Lives of the Philosophers, Dialogues, and some Chapters of the Gospel of St. Matthew. In One large Volume, Royal Quarto; and illustrated with Thirty-two Plates, containing exact Imitations of Persian and Arabic Manuscripts, half bound, Russia backs, 3l. 3s.

*** *This Work will be found to contain every requisite instruction for those who may wish to obtain a thorough knowledge of the Persian language, and to render the most difficult hand-writing perfectly familiar.*

HADLEY's Compendious Grammar of the Current Corrupt Dialect of the Jargon of Hindoſtan, (commonly called Moors;) with a Vocabulary, Engliſh and Moors, Moors and Engliſh, 8vo. 10s. 6d.

HOWISON's Dictionary of the Malay Tongue, as ſpoken in the Peninſula of Malacca, the Iſlands of Sumatra, Java, Borneo, Pulo Pinang, &c. &c. In Two Parts, Engliſh and Malay, and Malay and Engliſh. To which is prefixed, A Grammar of that Language. Embelliſhed with a Map, bound, 1l. 16s.

A DICTIONARY of Words uſed in the Eaſt Indies, with full Explanations; the leading Word of each Article being printed in a new Nuſtaleek Type. To which is added, Mohammedan Law and Bengal Revenue Terms. With an Appendix, containing Forms of Firmauns, Perwanehs, Arizdaſhts, Inſtruments and Contracts of Law, Paſſports, &c. in Perſian and Engliſh; bound, 8s

JONES's Grammar of the Perſian Language. The Sixth Edition, with an Index, 4to. bound, 1l. 1s.

THE FLOWERS OF PERSIAN LITERATURE; containing Extracts from the moſt celebrated Authors, in Proſe and Verſe; with a Tranſlation into Engliſh: Being intended as a Companion to Sir William Jones's Perſian Grammar, 1l. 1s., or bound with Jones's Grammar, 2l.

A VOCABULARY of the Perſian Language, in Two Parts, Perſian and Engliſh, and Engliſh and Perſian. The Second Edition. Compiled from Meninſki's Theſaurus, Richardſon's Dictionary, Golius's Lexicon, Gladwin and Kirkpatrick's Vocabularies, the Bibliotheque Orientale, &c. &c. 8s. 6d. bound.

RICHARDSON's Grammar of the Arabic Language, in which the Rules are illuſtrated by Authorities from the beſt Writers; principally adapted for the Service of the Honourable Eaſt India Company, bound, 1l. 1s.

RICHARDSON's Dictionary, Engliſh, Perſian, and Arabic, 2 vols. reprinting.

A DICTIONARY of the Portugueſe and Engliſh Languages: In Two Parts, Portugueſe and Engliſh, and Engliſh and Portugueſe; wherein the Words are explained in their different Meanings, by Examples from the beſt Portugueſe and Engliſh Writers. Throughout the Whole are interſperſed a great Number of Phraſes and Proverbs. By Anthony Vieyra, Tranſtagano. A new Edition, carefully reviſed, and the Portugueſe Words properly accented, to facilitate the Pronunciation to Learners, 1l. 16s. bound.

RULES AND REGULATIONS for the Formations, Field Exerciſes, and Movements of his Majeſty's Infantry, 6s.

SMIRKE's Review of a Battalion of Infantry, including the Eighteen Manœuvres, illuſtrated by a Series of engraved Diagrams; to which are added the Words of Command; with an accurate Deſcription of each Manœuvre, explaining the Duty, and aſcertaining the Situation of the Officers through the various Movements of the Corps: forming an eaſy Introduction to this Part of the Syſtem of Britiſh Military Diſcipline, boards, 6s. 6d.

ADEY's Treatiſe on Courts Martial; alſo an Eſſay on Military Puniſhments and Rewards. Seventh Edition, 4s. boards.

Where may alſo be had,

All new Political Pamphlets, particularly thoſe reſpecting the Eaſt Indies, the India Company, and the Trade thereof; with Hindooſtanee, Perſian, and Malay Grammars, Dictionaries, and every Publication that is of any uſe in attaining a Knowledge of the Oriental Languages, or Military Science *, eſſentially neceſſary to Perſons intending to go in the Company's Service as Writers, Cadets, or Free Merchants.

Beſides the Articles mentioned in this Liſt, Books in every Branch of Learning, alſo all new Publications, may be had of J. ASPERNE, as ſoon as publiſhed; and Care is taken to keep a good Aſſortment, in the beſt and moſt elegant Bindings.

* A Liſt of which, with the Orders of the Governor-General and Council at Bengal, may be had *Gratis* of J. ASPERNE.

Printed by I. Gold,
Shoe-Lane.

in guilt, have recently been the associates in office, and stand forth at this moment as the avowed champions in public, of a delinquent, convicted of clear, conscious, and demonstrable breach of law and trust, upon the most unequivocal of all species of evidence, the confession of the culprit himself.

IV. That any contrivances with a view to screen and protect the said Lord Viscount Melville, would be extremely revolting to the feelings of the country; that it would accumulate disrepute and suspicion upon the general character of the King's Government; be highly disrespectful to the declared opinion of Parliament; and irreverend to the Monarch himself, whose Privy-Council List is still defiled by the name of the said delinquent.

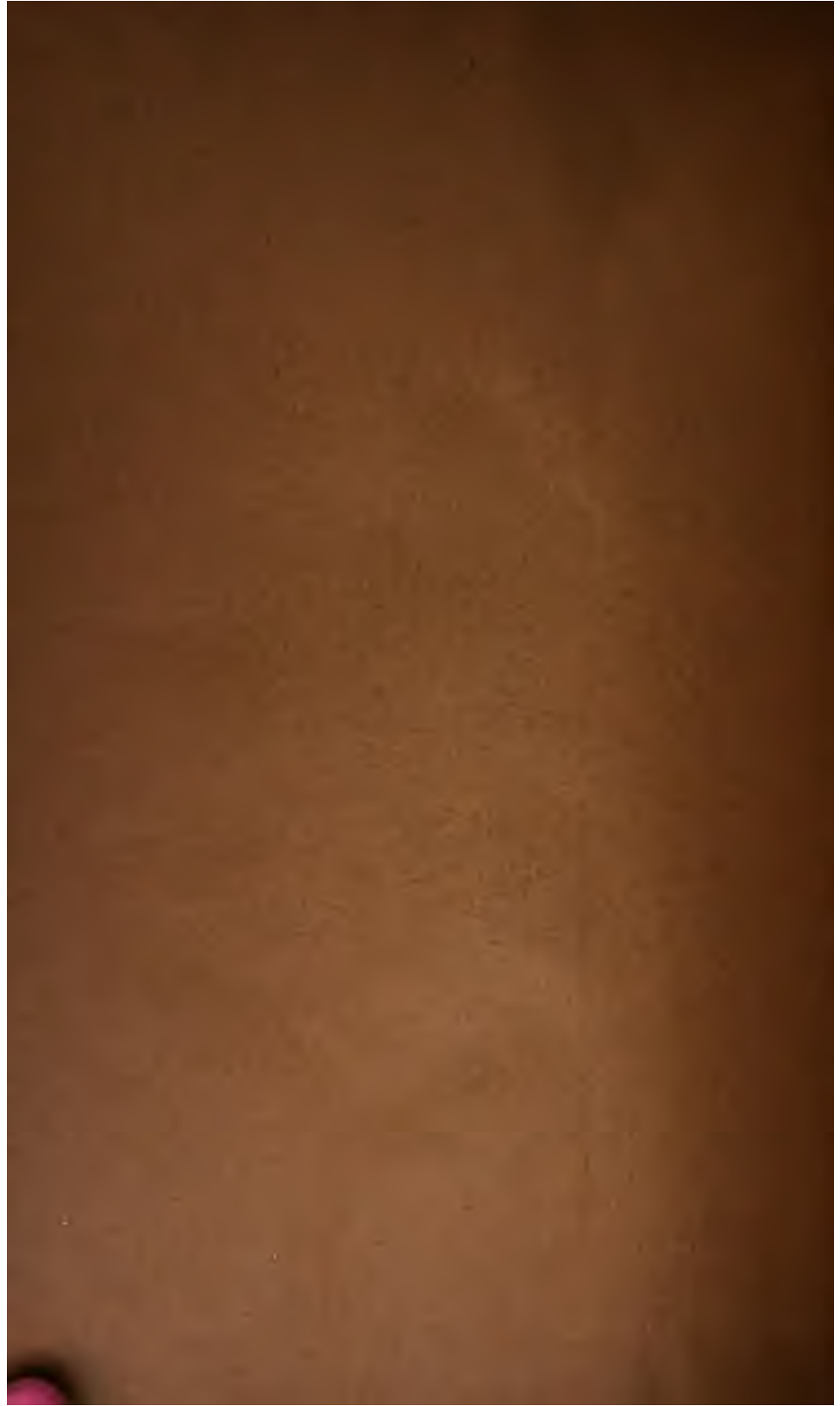
V. That a civil action against Lord Melville and Mr. Trotter, instead of a criminal prosecution, appears to this meeting to be, of itself, incapable of satisfying the public expectation.

VI. That the recovery of money is not an object to be put in comparison with the making a great example, and vindicating the justice of the law upon high delinquents, in the same spirit of equal, impartial, inflexible sternness, with which it would fall upon the poorest and most unprotected criminal.

VII. That an Address be presented to his Majesty, and a Petition to the House of Commons.

Mr. Fox presented the following Petition on the 3d of May.

Your Petitioners share the national gratitude to your Honourable House for your memorable and virtuous votes of the 8th and 10th of April last, founded on the 10th Report of the Commissioners of Naval Inquiry, declaring the Lord Viscount Melville to be guilty of a gross violation of the law, and a high breach of public duty.

Never were parliamentary measures received with more exultation by the country than the said votes, and nothing, your Petitioners are persuaded, could cause more disappointment than your Honourable House stopping short of these great ends of justice which the public interest demands, and the honour you have acquired by the said votes, exacts and enforces at your hands.

The pure, the moderate, the faithful, the independent, and the dignified discharge of the functions with which the law has invested the said Commissioners of Naval Inquiry, has filled the country with the most unqualified admiration of